

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

O. BOWIE DUCHETT  
SPEC. ASST. ATTORNEY GENERAL  
1208 HUNSEY BUILDING  
BALTIMORE 2, MD.

UNITED STATES OF AMERICA

vs.

PHILIP FRANKFELD, also known as  
Phil Frankfeld,  
GEORGE ALOYSIUS MEYERS,  
LEROY HAND WOOD, also known as  
Roy H. Wood,  
REGINA FRANKFELD,  
DOROTHY ROSE BLUMBERG, also known as  
Dorothy Oppenheim Blumberg, and  
MAURICE LOUIS BRAVERMAN

Criminal No. 22322  
Criminal No. 22322

**TRANSCRIPT OF PROCEEDINGS**

Before  
HON. W. CALVIN CHESNUT  
Judge

Tuesday, March 11, 1952

Volume II

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FRANCIS T. OWENS  
Official Reporter  
537 Post Office Building  
BALTIMORE 2, MARYLAND  
Saratoga 7126

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Paul Crouch

Direct

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GEORGE ALOYSIUS MEYERS,	:	
LERoy HAND WOOD, also known as	:	Criminal No. 22322
Roy H. Wood,	:	
REGINA FRANKFELD,	:	
DOROTHY ROSE BLUMBERG, also known as	:	
Dorothy Oppenheim Blumberg, and	:	
MAURICE LOUIS BRAVERMAN	:	

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Baltimore, Maryland  
Tuesday, March 11, 1952

The above entitled matter was resumed before His  
Honor, W. CALVIN CHESNUT and a jury at 10 o'clock a.m.

A P P E A R A N C E S

For the Government:

MR. BERNARD J. FLYNN, United States Attorney  
MR. JAMES B. MURPHY, Assistant United States Attorney  
MR. FREDERICK J. GREEN, JR., Assistant United States  
Attorney

For the Defendants Philip Frankfeld, Regina Frankfeld and Wood:

MR. HAROLD BUCHMAN

For the Defendant Blumberg:

MR. CARL BASSETT

For the Defendant Braverman:

MR. MAURICE BRAVERMAN

For the Defendant Wood:

MR. JAMES T. WRIGHT

For the Defendant Meyers:

MR. GEORGE ALOYSIUS MEYERS

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P R O C E E D I N G S

THE COURT: Is the jury called?

(Thereupon the Clerk called the names of the jury, after which the following occurred:)

THE COURT: Well, we are ready for the opening statement, Mr. Flynn.

OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

BY MR. FLYNN

MR. FLYNN: May it please the Court and ladies and gentlemen of the jury, the matter that you are to consider now comes to you, as does all criminal matters of any importance by way of an indictment. This indictment has been returned by the Grand Jury for this District and was returned in January of this year.

In this indictment six people are charged with an offense. These six people are first of all Philip Frankfeld, who is the man sitting here, and George Aloysius Meyers, who is sitting at the end of the trial table there; Leroy Hand Wood, who is the young man sitting over there with the light suit; Mrs. Regina Frankfeld, who is sitting here; and Dorothy Rose Blumberg, who is the lady there with the coat over her shoulder, and Mr. Maurice L. Braverman who is sitting right there.

Now, the indictment charges that these six people did conspire with themselves and with a group of 13 people

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who are mentioned in the indictment as co-conspirators but they are not all defendants.

I shall read those names so that you will know that they are not charged but that they are mentioned merely as being co-conspirators. They are <sup>Albert</sup> A. Lannon, William Z. Foster, Eugene Dennis, John B. Williamson, Jacob Stachel, Robert G. Thompson, Benjamin J. Davis, Jr., Henry Winston, John Gates, Irving Potash, Gilbert Green, Carl Winter, and Gus Hall.

The indictment charges that these six conspired among themselves and with these 13 and with other people to violate a law, they conspired to violate a law of the United States, and that law is known as the Smith Act, which is an act passed by the Congress of the United States.

The charge is specifically has been made and what is charged is that what has been done by these people is to conspire by advocating and teaching the duty and necessity of overthrowing the Government of the United States by force and violence, with the intent of causing the aforesaid overthrow and destruction of the Government of the United States by force and violence as speedily as circumstances will permit.

Certainly that they conspired by organizing and helping to organize the Communist Party of the United States of America, a society, group, and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence, with the

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intent of causing the aforesaid overthrow and destruction of the Government of the United States by force and violence as speedily as circumstances would permit.

Now, ladies and gentlemen, that is what these people are charged with. I want to make it clear at the beginning that they are not charged with being members of the Communist Party but that they are charged with conspiring with each other and with these people who have been named and with other people to do the things that have just been read to you.

Now, the indictment goes on further and says that in order to carry out this conspiracy they would do certain things. Now, it says that they would conspire to become members, officers, and functionaries of said Communist Party and would assume leadership in the said Party and responsibility for carrying out its policies and activities.

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It also says that these co-conspirators whom I have referred to would cause to be organized groups, clubs, sections and districts, state, city, and national units of said Party in the State of Maryland, the District of Columbia, and in the State of New York, and elsewhere, and would recruit and encourage recruitment of members of said Communist Party particularly in key basic industries and plants.

That they would cause to be published and to be circulated books, articles, magazines, and newspapers teaching and advocating the duty and necessity of overthrowing the

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Government of the United States by force and violence as speedily as circumstances would permit.

That they would cause to be written articles and directives in publications of the Communist Party of the United States of America including, but not limited to these papers -- and these papers are "Political Affairs", which is a Communist newspaper, I believe; the "Daily Worker", which is a daily Communist newspaper, and the "The Worker", which is a Communist weekly newspaper I believe, teaching and advocating the necessity of overthrowing and destroying the Government of the United States by force and violence as speedily as circumstances would permit.

That they would cause to be conducted schools and classes in which recruits and members of the said Communist Party would be indoctrinated in the principles of Marxism - Leninism and in which would be taught and advocated the duty and necessity of overthrowing and destroying the Government of the United States by force and violence as speedily as circumstances would permit.

That they would agree upon and carry into effect plans for vital parts of the Communist Party to go underground in the event of an emergency and from said underground position to continue in all respects this conspiracy.

That they would use false names and false documents to conceal their identity and activities as members and



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functionaries of the Communist Party, and that they would do other and further things to conceal the existence and operations of said conspiracy.

Now, in addition to that, members of the jury, the indictment has set out a number of overt acts, and the overt acts are things that were done in furtherance<sup>of</sup> or as a part of this conspiracy.

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It charges that on August 14th, 1948, the defendant Philip Frankfeld, sitting right there, and Dorothy Rose Blumberg, George Aloysius Meyers, Leroy Hand wood, Maurice Louis Braverman did attend and participate in a convention of the Communist Party of the State of Maryland and the District of Columbia, which was held at Baltimore, Maryland.

It charges that on August 16th, 1948, that the defendant Braverman did attend and participate in a meeting at 1834 Pennsylvania Avenue.

That on August 5th, 1948, that the defendants Regina Frankfeld did attend and participate in a meeting at 1029 East Baltimore Street;

And that on January 21, 1949, that the defendants Philip Frankfeld, Regina Frankfeld and Dorothy Rose Blumberg did attend and participate in a class of the Communist Party at 1023 East Fayette Street;

That on January 22nd, 1949, the defendant Philip Frankfeld did attend and participate in a meeting at 1023 East Fayette Street;

And that on January 28th, 1949, the defendants Philip Frankfeld, Regina Frankfeld and Dorothy Rose Blumberg did attend and participate in a class on "The History of the Communist Party of the Soviet Union", which was held at 1023 East Fayette Street.

It charges or points out that on February 4th, 1949 the defendants Philip Frankfeld, Dorothy Rose Blumberg, Meyers, Wood and Braverman did attend and participate in a meeting at 1023 East Fayette Street;

And on February 11th, 1949, that the defendants Philip Frankfeld, Regina Frankfeld and Dorothy Rose Blumberg did attend and participate in a class on the History of the Communist Party of the Soviet Union, which was held at 1023 East Fayette Street;

And on February 13th, 1949, that the defendants Dorothy Rose Blumberg did attend and participate in a meeting at 1029 East Baltimore Street;

That on March 19th, 1949 the defendants Philip Frankfeld, Meyers, Wood, Dorothy Rose Blumberg and Braverman did attend and participate in a meeting at 2101 Callow Avenue;

That on August 19th, 1949, the defendant Meyers did attend and participate at a meeting at 1029 East Baltimore Street;

That on September 10th, 1949 the defendants Philip Frankfeld, Meyers, Wood and Regina Frankfeld did attend and participate in a meeting in Baltimore;

That on January 27th, 1950 the defendant Philip Frankfeld did attend and participate in a Class on Revolution at 1522 Madison Avenue.

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That on April 22nd, 1950 the defendants Philip Frankfeld, Regina Frankfeld, Meyers and Wood did attend and participate in a Plenum, which is a committee meeting, of the Communist Party in Washington, D. C.

That on December, 1950, the defendant Meyers did write and cause to be published and circulated an article entitled "Concentration and Trade Union Work."

And finally on February 17th, 1951, the defendants Philip Frankfeld, Regina Frankfeld, Meyer and Wood did attend and participate in a meeting in the District of Columbia.

Now, ladies and gentlemen, in order to establish the facts and charges set out in this indictment, the Government will present to you witnesses and documents to prove these charges.

We will show you that after the successful revolution in 1917 of the Communist Party in Russia, that shortly after that time there was established in the United States The Communist Party.

It carried on under a number of names but finally got to the name of The Communist Party of the United States of America.

Now, in order to facilitate and carry out the ultimate objectives of the party, which was the forceable overthrow and destroying of the Government of the United

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States, the Communist Party of the United States did mold its organization on the same plan as the Communist Party of Russia or the International Communist Party was molded.

Now, under the constitution of the Communist Party, the highest governing body is the National Convention, which meets about every two years.

This convention is made up of delegates of each district of the United States.

Now, during the period when the National Convention is not in session, the Party is governed by the National Committee, which consists of about 50 members, and they are elected by the National Convention. This committee meets at least three times a year and between sessions of the National Convention.

The National Board, which is elected by the National Committee and consists of about 12 members, carries out the decisions and the work of the National Committee while the National Committee is not in session and during that period it is the leading authority of the Party. Now, that is the National Committee.

The policy decisions of the National Committee and the National Board are transmitted to the various local districts of the Party and these decisions must be carried out regardless of whether or not the local officials like

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them or not.

On the local level, the Communist Party is set up on the same pattern as the National Party. It has its district conventions, district committees, district boards, which carry out the policies under the instructions of the national body.

Ladies and gentlemen, that is why you find in the indictment two groups of names, one group of six, which are the defendants here in this court.

They are the group on the local basis, the ones who were or are the group to carry out the instructions that are given to them by the National Boards.

Now, the group of 13 are the so-called co-conspirators. They are the group up aboard, the national body, the ones which make up the National Committee and the National Board.

So that they are not here charged because they are the ones that gave out the orders. The local group which is charged here are the ones that carry out the basic work or tasks given them by the National body.

The defendants are the local functionaries of the Party. When I say "local functionaries", I mean they are the parties who are the head of what is known as District Number 4. District Number 4 makes up and comprises the State of Maryland and District of Columbia, and as I stated before, they carry out the instructions as they are given by the National body.

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Now, we will show you, ladies and gentlemen, that from the beginning members of the Party were sent to Russia to attend schools; that at these schools they were taught the Marxist - Leninist principles of the duty and the necessity of overthrowing and destroying by force and violence all capitalistic countries, the so-called capitalist countries, including the United States, the Government of the United States.

Now, during this trial, ladies and gentlemen, you are going to hear a great deal about this term "Marxism - Leninism." That term refers to the principles of Communism as laid down by Karl Marx and amplified by V. I. Lenin. That is why it is a hyphenated name. Marx is the man who laid down the principles, and it was described in books and pamphlets and papers by Lenin, so you will hear this "Marxism - Leninism" referred to a great deal in this case.

Now, these principles are set forth in a number of writings by Karl Marx, Engels, Lenin, Stalin and others, and these writings are referred to as the classics of Communism. They lay down the principles, the theories and the directions of the Communist Party throughout the world.

We will show you that the principles of the Marxism - Leninism are that Socialism, which the Communist Party claims it is striving for and can establish only by violence, violent revolution, by forceable overthrow of the government and the

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setting up of a dictatorship of the proletariat -- that is, a dictatorship of the working men, the overthrow of established government and the setting up of a dictatorship of the proletariat -- can be accomplished only by the forceable and violent seizure of power by the proletariat under the leadership of the Communist Party.

Schools were established in this country where the Marxist -Leninist theory was taught, and the Communist classics were used as textbooks. Special emphasis was placed on what they termed anti-militarist activities. Special efforts were made to infiltrate the armed forces of the United States, the Navy Yards and the basic industries. Representatives of the Comintern --

MR. BUCHMAN: Your Honor, at this point I don't like to interrupt, but it seems to me that those last two statements go beyond the terms of the indictment. I would like to offer my objection.

THE COURT: I am sure I would like to hear precisely what it is. Just repeat it, Mr. Flynn, so I can see whether it is proper or not.

MR. FLYNN: I said, sir, schools were established in this country where the Marxist - Leninist theory was taught and that the Communist classics were used as textbooks. Special emphasis was placed on what they termed anti-militarist activities; special efforts were made to infiltrate the armed



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forces, the Navy Yards and the basic industries.

MR. BUCHMAN: There is a section of the Smith Act which might purportedly cover that, but it is not in the indictment, and I think it is totally irrelevant and prejudicial.

THE COURT: The opening statement is not limited to the indictment, of course. I understand Mr. Flynn is giving what he expects to have evidence to show is the aims and objects of the Communist Party of Russia, which is political, aggressive force. Now, whether the evidence sustains that or not is for the jury to determine. I see nothing wrong so far in Mr. Flynn's statement.

MR. FLYNN: Thank you.

Representatives of the Comintern, which is the controlling body of international Communism, came to this country from Russia to direct the activities of the Party. The activities of the Party continued in this note until shortly after the Teheran Conference. You will recall that President Roosevelt, Prime Minister Churchill and Premier Stalin met at Teheran in November and December of 1943. They made a declaration at that time that an agreement had been reached for postwar collaboration which they hoped would save the world from the scourge of war for generations.

Now, at that time a man by the name of Earl Browder was and had been for a number of years prior to that time the general secretary of the Communist Party in the United States,

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and this was the highest position in the Party in this country. Now, Browder accepted the Teheran declaration at face value and believed apparently that Premier Stalin meant what the declaration said.

In January of 1944 Browder recommended to the National Committee of the Communist Party of the United States that it should change its character and objectives. He suggested that the Communists in the United States should support the declaration, their struggle for the establishment of Socialism, and adopt a policy of collaboration and cooperation with all classes of people in the United States in order to develop a national unity broad enough to support the international coalition between Great Britain, Russia and the United States, which he said had been established in Teheran.

Now, on Browder's suggestion the National Committee called a national convention which met in New York in May of 1944. This convention dissolved the Communist Party in the United States, and at the same time, in the same hall, the same delegates then established and constituted themselves a new convention, and after deliberation and discussion they organized what they termed the Communist Political Association. They elected officers and a national committee, and most of the co-conspirators mentioned in this indictment were elected to the National Committee, and Earl Browder was elected

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President. A constitution was adopted which in principle stated that the association looked forward to an era in which the people of the United States, by free choice and through democratic processes, could bring about a solution of the contradiction between the social character of production and its private ownership. Browder addressed this convention and stated that it was necessary for the Communists to find a program which would unite the democratic progressive majorities of the American people of all classes so as to remove the fear that after military victory had been won peace among the nations might not become a signal for the outbreak of great class struggle within the nations.

The convention adopted a resolution extolling Browder and his leadership.

Now, in April, 1945, when the Communist Political Association, which had just been organized the year before, was not yet one year old, an article about the American Communists appeared in a French publication, an official organ of the Communist Party in France. This article was later published in full in the Daily Worker, which was and is the official daily newspaper of the Communist Party in the United States. This article appeared in the Daily Worker in the United States on May 24, 1945. The article was entitled, "On the Dissolution of the Communist Party of the United States." Its author was a man named Jacques Ducloux,

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and he was the leader of the Communist Party in France. The article analyzed Browder's 1944 reports recommending the dissolution of the Communist Party and the formation of the Communist Political Association. It condemned Browder's proposals for peaceful collaboration as contrary to the sound Marxist - Leninist doctrines. This French Communist leader said that the Browder proposal constituted a notorious revision of Marxism for three reasons:

1. Because Browder's proposal recommended long-term class peace in the United States;
2. Because Browder's proposal recommended the suppressing of class struggle in the United States in the post-war period; and
3. Because Browder's proposal recommended the establishment of harmony between labor and capital in the United States.

Now, a few weeks after this article appeared in the United States, this article by this French Communist, on June 2, 1945 to be exact, a group, including Eugene Dennis, John B. Williamson, Benjamin J. Davis, Jr., William Z. Foster, Gilbert Green, and Robert G. Thompson, all of whom are mentioned as co-conspirators in this indictment, together with others, held a meeting and drafted a resolution accepting the views of the French Communists and condemning their existing policies as revisionism of Marxism. This resolution was published in

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the Daily Worker, which, as I have stated before, was the official paper of the Communist Party.

On June 20, 1945, the co-conspirators, Foster, Dennis, Williamson, Green, Thompson, Winter, with others in the National Committee, called a convention to meet in New York City on July 26, 1945, and on that same date -- that is, the date of June 20, 1945 -- the same group removed Browder from control of the Party and placed the direction of the Communist Political Association in the hands of Foster, Dennis and Williamson. These three, in compliance with the views of the French Communist leader, condemned what they referred to as Browder's revisionism, and further in obedience to the French leader they urged the reconstitution of the Communist Party so as to conform to true Marxist - Leninist techniques, that is, as an organization directed to the purpose that our Government must be overthrown and destroyed and that this could be accomplished only by force and violence and not by peaceful collaboration or by development.

Thus, in May of 1944 under Earl Browder the Communist Party in the United States was dissolved and the establishment of Socialism in this country by violent means was abandoned. A year later they repudiated this position. They reconstituted the old Communist Party and readopted the Marxist - Leninist techniques of violent overthrow of our form of government and the setting up of the dictatorship of

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the proletariat by violent and forceful seizure of power under the leadership of the Communist Party.

THE COURT: Mr. Flynn, do you expect to prove that that was done by a formal resolution, or what will be the evidence of that?

MR. FLYNN: The evidence will be of men who attended the convention, sir.

THE COURT: Very well.

MR. FLYNN: In carrying out the instructions of the National Committee of June 20, 1945 for the national convention to be held on July 26, 1945, the local functionaries called a district convention in Baltimore which was held in two sessions, one on July 22, 1945; the second session on August 4 and 5 of 1945. At the first session delegates were elected to the National convention and the National Board resolution was discussed. At the second session on August 5, 1945 the action of the national convention was approved and the Communist Party of the United States of America, District No. 4, again came into being. In other sections of the country and other districts similar conventions were held which approved the action of the national convention.

At the convention held in Baltimore by members of District No. 4 it was also agreed that Party schools should be set up on all levels throughout the district to re-indoctrinate the membership in the true principles of Marxism - Leninism which had fallen into disuse during the period of the life of the Communist Political Association.

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There was held in the Washington section of District No. 4, a convention at which the Party was re-constituted as the Washington D. C. Communist Party.

Since that time the Party has actively and militantly adhered to and followed the principles of Marxism - Leninism.

Now, Ladies and Gentlemen of the jury, as to each of these defendants the Government will present evidence to show, and first of all as to Philip Frankfeld, in February of 1924 he secured employment as a clerk in the United States Post Office and worked in this capacity until he resigned in August 1926.

On leaving the Post Office, Philip Frankfeld became a full time organizer for the Young Communist League in New York City, and since that time has been employed in numerous capacities with the Communist Party in different sections of the country.

The Government will further show that about the years 1929 and 1930, Frankfeld served on a committee set up by the Young Communist League of the United States of America whose chief assignment was to set up a program of action whereby Young Communist League and Communist Party members could infiltrate the armed services of the United States and thereby cause disunity and a breakdown of the morale of the fighting forces.

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By competent witnesses, the Government will show that Philip Frankfeld attended the Lenin school in Moscow, Russia, from the Fall of 1931 to the Fall of 1932.

The studies at the Lenin school included the fundamentals of Leninism with emphasis on the program of the Communist International. Lectures were given on all phases of Marxist - Leninist principles.

The key point of the lectures, we will show you was that the students were going to the fatherland of Marxism and, the aspects of the Marxist program concerning revolution were stressed time and time again while the possibility of a peaceful change in society and government was negated.

As the evidence will show, the purpose of studying at the Lenin school as explained to the students by the officers of the Communist International and the school was to train foreign students of membering parties in the revolutionary program, tactics, strategy, and policies of the Communist International and the Soviet Union in order that they could return to their own countries to carry out the program of the Communist Party in the interest of the revolution and the dictatorship of the proletariat.

The Government will further show that the students who were selected for this school were chosen because they were considered true Marxist - Leninists and were to be



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trained as full time professional revolutionaries.

On his return to the United States, we will show you that Philip Frankfeld was designated Communist Party District Organizer for the entire New England area.

Following this assignment, Philip Frankfeld served as a Communist Party organizer in Scranton, Pittsburgh, Seattle, Baltimore, and Cleveland.

In 1940 Frankfeld was the Communist Party candidate for United States Senator for the State of Massachusetts.

In 1941 Frankfeld was employed as the State Secretary of the Party in Eastern Pennsylvania, and in December 1942 he was employed as the Executive Secretary of the Northwest District of the Party with headquarters in Seattle, Washington.

He was inducted into the United States Army in Seattle in June of 1943 and was discharged in October of 1945.

We will show you that Philip Frankfeld upon his release from the United States Army in October 1945 became the District Organizer in January 1946 for the Communist Party of Maryland and the District of Columbia with headquarters in Baltimore, Maryland.

He succeeded a man named Albert Lannon, who was named as one of the co-conspirators in this indictment, who had served as Chairman of the Communist Party in Maryland

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and the District of Columbia from about 1943 until January of 1946.

Through witnesses and documentary evidence, the Government will show you that Phil Frankfeld, as the District Chairman, was the leader of the Communist Party in this district and was responsible to a large degree in re-educating the Communist Party of Maryland and the District of Columbia on Marxist - Leninist lines after the reconstitution of the Party in 1945 by conducting numerous educational classes for Communist Party members, using the Communist classics as textbooks.

The Government's proof will show that Frankfeld in carrying out the instructions from the National Communist Party leaders, personally taught many educational classes using the textbook "History of the Communist Party of the Soviet Union", which will be described as one of the most important Communist classics used by the Communist Party from about 1945 to the present date.

We will show you that Philip Frankfeld, as District Chairman from January 1946 to February 1951, was likewise responsible for the implementation of the concentration policy of the Party in this district.

This policy was centered on recruiting members in the basic industries in Baltimore, particularly in the steel and maritime industries.

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The Government will show that Frankfeld, as District Chairman, was the person through whom all Party directives and instructions were passed along from the national leaders, many of whom are named as co-conspirators in this indictment, to the local membership in this district. Frankfeld was likewise required to report periodically to the national leaders concerning the progress and status of the Party in this district.

Frankfeld, as District Chairman, was a member of the District Committee and the District Board of the Communist Party of Maryland and the District of Columbia, and was the coordinator of all plans for recruiting and building the Communist Party in the community; the circulation of "Daily Worker" and "The Worker;" the circulation of "Political Affairs." They are the names of the newspapers or magazines I mentioned, and plans for literature sales, especially of books or pamphlets which were issued for mass circulation.

In February 1951, Frankfeld was named to the position of District Organizer of District 6 of the Communist Party with headquarters in Cleveland, Ohio.

When Frankfeld left for Cleveland as District Organizer, he was replaced by George Aloysius Meyers, who is also a defendant in this case.

Now, George Aloysius Meyers is a native of

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Lonaconing, Maryland, in the western part of the State. He has been employed for part of his life by the Celanese Corporation of America at the plant at Cumberland.

He was inducted into the military service in January 1943 and was discharged in January 1946.

We will show you that this defendant has been associated with Communist activities since about 1943.

Meyers first became a member of the Textile Club of the Communist Party of Western Maryland in about 1946 and was elected vice-chairman of this club in 1947.

The Government will show that Meyers, during the Fall of 1947, was selected by the District Board of the Communist Party of Maryland and the District of Columbia to attend a National Communist Party training school in New York City on a full time basis.

This school will be described by Government witnesses as a school conducted by the Communist Party of the United States for the purpose of training Communist Party leaders for assignment to various districts throughout the United States.

The Government will show that all candidates for this school were screened and approved by the National Educational Commission and the National Review Commission of the Communist Party of the United States.

The Government will show further that the defendant

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Meyers actually attended this Communist Party training school from October 1 to November 16, 1947.

Some of the instructors at this school included many of the co-conspirators in this indictment along with well-known Communist functionaries such as George Siskin, Jacob Mindel, Elizabeth Lawson, Betty Gannett, Hy Gordon, and many other national Communist functionaries.

The Government will show you that at this training school, which was held at the Jefferson School of Social Science in New York City, the students were generally taught that Communism means the suppression of all other forms of government and organization, and the basis of all their studies was that the Communists were the only people who followed Marx and Marxism - Leninism.

Upon his return to Maryland around December of 1948, the defendant Meyers was named by the District Board of the Communist Party of Maryland and the District of Columbia to the position of labor concentrator.

At the District Convention of the Communist Party held during July of 1948, Meyers was elected to the position of Labor Secretary. At this convention Meyers was also named as member of the District Committee and the District Board of the Party.

We will show you by documentary evidence that as Labor Secretary, George Meyers was responsible for maintaining

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intimate contact with all trade union club members.

The Labor Secretary also had the responsibility of keeping the District Committee and the District Board fully informed on the problems and trends in the labor movement and the activities of the Communist Party club trade union members.

As a member of the District Board and the District Committee, the defendant Meyers was in frequent contact with many of the National Communist Party leaders, many of whom are named as co-conspirators in this indictment, and was responsible for carrying out the policy for concentration of Communist Party members in the basic industries in the Baltimore area.

As Labor Secretary, the defendant Meyers wrote many articles about the application of this concentration program, some of which were printed in the "Daily Worker" and other Communist Party publications.

The Government will further show you that George Meyers recruited persons into the Communist Party and also led many discussions relative to the program of the Communist Party.

As Labor Secretary, the Government will show that the defendant Meyers attended the Communist Party National Conventions which were held in New York City in 1950.

The Government will show further that Meyers was

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responsible for disciplinary problems of the Communist Party in this district and on several occasions served as a member of the District Control Commission.

The importance of this Commission will be fully explained by Government witnesses.

In February 1951, George Meyers was named District Organizer for the State of Maryland and the District of Columbia and assumed the duties of the position which was formerly held by Philip Frankfeld.

We will show that Leroy Hand Wood was born in Idaho, Caldwell, Idaho. He attended the public schools in that state and he also attended college in Idaho and completed the second semester of his junior year.

In 1934-1935 he served in the Civilian Conservation Corps in Idaho on road work, road construction work, and in 1937 and 1938 he was employed by the Works Projects Administration in Idaho as a laborer and also as an editor on the Idaho Writers Project.

From 1939 until August 1942, he was employed as a clerk by the Social Security Board in Baltimore. He subsequently followed the occupations of seaman, cook and steel worker, from time to time.

We will show you, ladies and gentlemen of the jury, that about September 1942 Leroy Hand Wood became treasurer of the Communist Party of Baltimore and circulation agent in

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Baltimore for the "Daily Worker."

The functions of the City treasurer of the Communist Party in general are to head the Finance Committee, see that the budget is prepared and presented to the City Committee and the District Committee, to see that funds needed in the budget are acquired, and that they are not over-spent, sign checks and receipts, and those things that have to do with the financial work of the association.

During 1945 and 1946 he was employed by the Bethlehem Steel Company at Sparrows Point, Maryland, and while employed there he was a member of the Steel Club of the Communist Party, District No. 4, having acted as chairman of meetings of this club, and having led discussions.

In August of 1948 he became Organization Secretary of the Communist Party of Washington, D. C., which position is next in chain of command to the chairman of the Communist Party.

In general, the organizational secretary has the actual responsibility of seeing that all clubs, committees, commissions, and departments are functioning in the approved manner, and that their duties are being carried out.

The organizational secretary makes recommendations for personnel for the various committees in the Organizational Department. The specific bodies which come under the organizational secretary are the Organizational Department, Finance,



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Education, Leadership, Press and Membership.

The organizational secretary is a member of both the District Board and the District Committee, and he is approved both nationally and in the district before appointment or election in the city.

In February 1950, Wood was made Chairman of the Communist Party for the District of Columbia, and, as a result he became the highest Communist Party official in the District of Columbia, and he currently maintains the position of Chairman of the Communist Party of the District of Columbia.

The chairman of the Party, as chairman he is the chief representative to the public and spokesman for the Party in any matter where the Party as an organization deals with the public. He is in charge of all political work of the Party in the District. This entails responsibility to prepare and present political reports concerning any situation or campaign around which it may be necessary to mobilize membership to engage in activity.

The chairman works with the Trade Unions and the political action commissions, and he automatically is a member of the District Committee, the District Board, and the Staff or Secretariat at the District Level.

The Government's proof will show you that Wood, in carrying out the duties as chairman of the Communist Party in the District of Columbia, personally spoke at Communist

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Party meetings in furtherance of the Communist Party line.

Now, as to Regina Frankfeld, we will show you that she was a native of New York State. She is a college graduate. She married Philip Frankfeld in Seattle in 1943 while he was there as Executive Secretary of the Northwest District of the Communist Party.

We will show you that by her own statement, Regina Frankfeld joined the Communist Party in about 1935, having become interested in the principles of the Communist Party while she was studying in Germany in the 1920's.

While in Seattle, Washington, she became a member of the Communist Party and the Communist Political Association, and along with her husband participated in the Communist Party activities in that area.

While a member of the Tom Faine Club of the Communist Party of Maryland and the District of Columbia in late 1945, she was selected by the District Board of District No. 4 to attend a Communist Party National Training School in New York City.

The purpose of this school, as stated heretofore, was to train this defendant as an instructor and to better equip her to carry out the aims and purposes of the Party.

We will show you that the duties of the Educational Director are to help organize classes and study groups, for prepare and supervise the material/study, select the leaders

for such classes and study groups, regularly discuss the experiences of the classes with the district leaders and other members.

Study groups and classes were to be established around a fundamental theoretical study of the main issues of the day, and more particularly, around the fundamentals of Marxism - Leninism.

In the latter part of 1949, Regina Frankfeld was named Organizational Secretary of District 4, Communist Party, USA. The government will show that as Organizational Secretary, her duties were the same as those of Roy Wood, who held a similar position in the District of Columbia.

Early in 1951, Regina Frankfeld was named the full time organizer for District 4, and she continued in that capacity until she left Baltimore in June 1951 to join her husband in Cleveland, Ohio.

As the Organizational Secretary of District No. 4, she was in frequent contact with the national leaders of the Communist Party, many of whom are named as co-conspirators in this indictment, and also attended the National Conventions of the Communist Party in 1950 in New York City.

As the Organizational Secretary, she frequently issued instructions and policies of the Communist Party which she would receive from the District Board and the national leaders.

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The Government will also show that as a Communist Party functionary, she led many educational discussions at Communist Party meetings in furtherance of the program of the Communist Party.

Now, as to Dorothy Rose Blumberg. Mrs. Blumberg is a native of Baltimore. She is a college graduate, and is the wife of Dr. Albert E. Blumberg whom she married in August 1933.

She became a member of the Communist Party in Baltimore about 1939.

The Government will show that she attended district committee meetings as early as 1939 and 1940, and at that time made reports to the district committee regarding the tactics to be used in organizing the union of the United Office and Professional Workers of America in Baltimore.

During the year 1943, Dr. Albert E. Blumberg, this defendant's husband, was Chairman of the Communist Party of Maryland and the District of Columbia, and at that time the defendant served as membership director of the Communist Party.

The Government will show that as a district functionary, she attended district committee meetings. She attended the district convention of the Communist Party of Maryland and the District of Columbia held during May 1944, at which time the Communist Political Association was formed.

From June 1944 to August 1945, during the existence

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of the Communist Political Association, the Government will show that the defendant served as a district functionary and directed the sale of literature and other educational activities during this period.

As Finance Secretary for the district, she also supervised the financial activities of the Communist Political Association and was in part responsible for the accounting of funds in the district.

As a district functionary, she participated in the discussions following the appearance of the DuClos Article in May 1945, which is the article by the French Communist.

At these discussions she agreed with the draft resolution passed by the National Committee on June 2, 1945, calling for the dissolution of the Communist Political Association and the reconstitution of the Communist Party along Marxist - Leninist lines.

As will be shown by the Government's evidence, she attended both sessions of the special convention held by the Communist Political Association of Maryland and District of Columbia on July 22, August 4 and 5, 1945, respectively.

At this convention she was elected to membership on the newly organized district committee. In 1945, she was named to the position of Secretary-Treasurer of the Communist Party of Maryland and the District of Columbia.

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She was also named as a member of the District Board which has already been previously described.

In addition to the above position, she served as Literature Director and City Secretary of the Communist Party of Baltimore, and she served as District Secretary-Treasurer from the latter part of 1945 to the early part of 1949.

Cavey fls 0

11am

From the latter part of 1945 to the latter part of 1949, as a district functionary, she was in frequent contact with the various National Communist Party functionaries and frequently transmitted instructions received from the National Officers to the local members.

During this period she attended District Committee and District Board meetings, at which meetings the programs and policies of the Party were formulated.

The Government will further show that she conducted many educational classes for the Communist Party, using text books known as The Communist Classics.

During the spring of 1949 she along with other district functionaries attended closed meetings of the Communist Party of Maryland and the District of Columbia, which were held under extreme security precautions.

She left Baltimore during the spring of 1949 and moved to New York, where her husband was employed in the National Communist Party Offices.

And finally, as to Maurice Louis Braverman, Maurice Braverman is a member of the Bar of this Court. He is a lawyer, having been admitted to the practice of law by the Supreme Bench of Baltimore City in November, 1941.

He was employed for a short time in 1940 by the Social Security Administration in Baltimore.

C 2

In 1940 and 1941 he worked for a short period as clerk with the Bureau of Internal Revenue and the Department of the Army in Washington, D. C.

In 1940 he was employed as clerk in the United States Post Office, Baltimore, Maryland.

We will show that he had been associated with the Communist Party as early as 1943.

He was first known to have been affiliated with the Benjamin Franklin Club of the Communist Party and served as a leader in that club during the existence of the Communist Political Association.

He attended the District Convention of the Communist party in May, 1944, at which time the Communist Political Association was formed.

We will show that at this District Convention he was appointed on the Constitution and By-Laws Committee of the Communist Political Association of Maryland and the District of Columbia.

During June 1945 he, along with other defendants in this case, participated in the discussions of the Duclos letter or article in the elaboration of the Communist Association, which culminated in the reconstitution of the Communist Party of the United States of America.

The Government will further show that he attended the first session of the second convention of the Communist



C 3

Political Association of Maryland and the District of Columbia on July 22, 1945 and participated in the activities of that convention.

He also attended the second session of the District Convention of the Communist Party of Maryland and the District of Columbia held on August 4th and 5th, 1945, and at the session on August 5th he was elected a member of the District Commission. This was the session which confirmed the reconstitution of the Communist Party.

The Government will show that the District Committee is constitutionally the top governing body of the District and its members are elected by the District Convention which theoretically meets every two years.

We will show that he attended meetings of the District Board of the Communist Party of Maryland and the District of Columbia, which board was composed of members elected by the District Committee.

The Government's proof will further show that classes on Marxism and Leninism were held at the home of the defendant Braverman and that on several occasions he personally led the discussions concerning various Marxism Classics.

At District Number 4 Communist Party Convention in 1948, Maurice Braverman, Philip Frankfeld, George Meyers and Leroy Wood, all defendants in this case, were

C 4

elected members of the District Committee.

We will further show that he, Braverman, during 1950 and 1951 continued to participate in the Communist Party activities and as a Communist Party functionary served as the head of the Maryland Chapter of the Civil Rights Congress and supervised the activities of that organization.

It will also be shown by the Government that he has recruited persons into the Communist Party and as a member of the District Committee in formulating the policies and decisions which carry out the ultimate goal of the Communist Party, namely the overthrow of the Government of the United States by force and violence.

Now, ladies and gentlemen, if the Government shows you these things I have pointed out to you, and I hope I haven't taken too long with it, I thought it would be necessary for you to know all the Government was able to prove in this case - if we prove these things, we are asking you to bring in a verdict of guilty under this indictment of all six of the defendants in this case.

Walker fls  
Cavey 11:05a

P-1 W/bl  
fl Cvy  
11:05

THE COURT: Do any of the defendants desire by counsel to make an opening statement?

MR. BUCHMAN: If the Court please, what I would like to request is this: There will be four opening statements, Your Honor, and I would like to request a short recess. We want to revise some of our notes.

THE COURT: I think it is time to go ahead now. I will take recesses as it is convenient to people during the trial of the case, of course, but we have had only an hour this morning. I think we can go on for a while.

MR. BUCHMAN: At this point I want to offer a motion, Your Honor, to acquit on the basis of the Government's opening statement. I would like to be heard on that briefly.

THE COURT: Very well. Go ahead, I will hear you.

MR. BUCHMAN: Assuming everything that the United States Attorney has said, we say that a case has not been made out under the terms of the decision by Mr. Justice Vinson in Dennis vs. The United States. There are two specific elements in which the opening statement fails to meet the burden imposed by that case.

First, as was pointed out, in that case specific intent is an essential element of the crime. Specific intent to cause the overthrow of government as devious circumstances permit, and there is nothing in Mr. Flynn's opening statement which referred to that element as applied to either or all of

W/b2

the defendants;

And the second reason, assuming the truth of what Mr. Flynn said -- which we emphatically deny -- is that there is nothing in what he has said that indicates any facts tending to show that there was any power to bring about the evil, another element specified as necessary in the opinion of Mr. Justice Vinson.

Therefore, on those two grounds I feel that the Government by its opening statement has indicated that it cannot make out a case.

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THE COURT: I do not agree at all with that proposition as a matter of law, and I therefore overrule the motion.

Now, is there any opening statement to be made by any of the counsel?

Mr. Bassett, for whom are you appearing?

MR. BASSETT: For Mrs. Blumberg.

THE COURT: Very well, sir. Proceed.

OPENING STATEMENT ON BEHALF OF DEFENDANT BLUMBERG

BY MR. BASSETT:

MR. BASSETT: Your Honor, ladies and gentlemen of the jury, first of all, I would like to congratulate you. I am Carl Bassett, by the way, one of Baltimore's many lawyers. I would like to congratulate you for two reasons: First of all, the fact that you are sitting there shows that you have a

W/b3

high sense of civic responsibility, accepting as you have the task which lies before you and which I am sure you realize may take many hours, even weeks, before the whole story comes, the big picture, both sides of the case, can be put before you, although both sides, I am sure, will proceed as speedily as they can; and, secondly, because the fact that you are there shows that you are acceptable not only to His Honor but to all the attorneys on both sides, which means that a considerable number of people have thought you capable of understanding rather complicated and rather subtle issues and of being able to reserve your judgment until you have fully heard all the matters to be presented in connection with those issues -- in other words, with having a high degree of intelligence and an abiding and deep-seated sense of fair play.

Now, the first duty, basic duty of all those charged with the high and solemn responsibility of dispensing even-handed justice is to precisely, clearly understand exactly what the nature of the charge is against the defendants whom you are considering.

You have heard the indictment read, and Mr. Flynn very ably discussed it. However, in the recitation of all the various things in connection with political activity of the defendants it may be that the nature of the charge is just not perfectly clear in your mind, and for that reason I would like to take a minute of your time to go over it again.

W/b4

Basically, the defendants who sit there before you are accused of entering into a conspiracy. Conspiracy to do what? To do two things: To advocate and teach the duty and necessity of destroying the Government of the United States by force and violence, and with the intent to cause that destruction as soon as possible; and, second, to organize a group of persons to advocate and teach the same thing, with the intent in each of their minds to bring about that destruction as soon as possible.

Let us think that over. Each one of those defendants -- for, although conspiracy is, after all, a collective crime, and if it exists involves at least two individuals, still guilt is personal, and you are going to have to decide as to each one of those defendants -- yes, each one; not some, not all, but whether each one of those defendants intended to bring about as quickly as possible the overthrow of the Government. That will be the basis for your decision.

Neither in the indictment or anywhere else have you heard any suggestion that the defendants plotted to overthrow the Government. They are accused of agreeing that at some time in the future, at some future date, they will teach and advocate such an idea. That they did not even do that we will prove, but before we get on to the matter of proof let us think about what they say. They say not guilty, not guilty of advocating the overthrow of the Government, not guilty of

F-3

w/b5

conspiracy, not guilty of intending -- not guilty. As a matter of fact, as the case develops you will find out by proof that the defendants will place before you that no one who was guilty of any of those things, no one who even held such views, if they were known to his associates, could remain or be a member of the Communist Party by its own basic rules. Such views were ground for widely publicized expulsion from the Party, and the rules were enforced. All this the defendants will prove and much more besides. Just exactly what they will prove or disprove depends, of course, in large measure on what the prosecution attempts to show. One thing is certain. There will be no attempts to convince you that their views are correct or even persuasive. That is not an issue here.

THE COURT: What was that, Mr. Bassett? I did not catch that.

MR. BASSETT: I say there will be no attempts in our proof to persuade the jury or anyone else that these views that are expressed by the Communists, or those who admit membership to the Communist Party, <sup>if</sup> it develops that way, are correct. When we assert what has been believed and taught we are doing it not for the purpose of persuading anyone of its correctness but only to illustrate what they, in fact, actually did and taught and believed themselves, Your Honor.

w/b6

THE COURT: I am not sure that I quite understand what your position is, factually, but go ahead.

MR. BASSETT: Well, then, I might enlarge on that for a moment more, Your Honor.

We anticipate -- I think not without some reason-- that certain books and documents will be offered in evidence. We propose to show what the various defendants had to say about those books and documents.

Now, in saying what they had to say about them it might appear that there was some effort to persuade people that that view was correct. I am trying to make it perfectly clear to all, Your Honor, that that is not our intention. They are only saying what they believe and not what anyone else is supposed or required or desired to believe.

As long as that has been discussed that much, I might say that not only do they not contend that you become persuaded to their points of view simply because they tell you what it is, that when I am telling you what it is I for one don't agree with them. That is not the point. The point is not what they say but whether they have a right to say it, and that is all that this discussion was intended to bring before you -- that it is not what they say; it is whether they have a right to say it.

Now, in general the evidence that we will put before you will have two aspects: On the negative side to disprove



W/b7

directly the contentions of the prosecution; and on the positive side to show affirmatively what the defendants actually did and what they really wanted or intended to do, -- in other words, to make it clear that in so far as violently overthrowing the existing government is concerned they didn't want to do it; they didn't try to do it; and they couldn't have done it anyway. That will have to be done in several different ways, of course.

For example, the prosecution has indicated with the lists of exhibits that they will introduce a vast number of books, pamphlets and papers -- a total of I don't know how many pages -- all dealing, or many of them dealing with profound social, political and economic problems.

Now, if they dare to read the entire contents of any such book to you without comment, well and good. We will be delighted to have the book speak for itself. We will have nothing to say. But if they propose to read only a paragraph or two out of that book, we are faced with a much different problem and a much more difficult problem. There is not much that we can do then except to read another paragraph to try to throw some light on the first one or explain it or to show that it does not tell the full story. That is a difficult task, and it is an important one. This is basic to the whole defense -- not the whole defense, but a large part of the defense that will be made here.

F-4

W/b8

You will be shown a big book. It will be put in evidence. Paragraph 2 may be read out of it. What are we to do? We will review it a paragraph or two back. Now, you know that that is an incomplete, unsatisfactory way to do things. We don't ourselves intend to represent that when we read a paragraph or two that we are telling you what the whole story is. We are only trying in reading that extra paragraph to show you that there is more to it than was indicated by the first excerpt.

I hope that that idea of matching paragraphs is lodged in your mind. If, for example, some one were to try to tell you what is in the Bible -- that is a book that we all know very well -- and mentioned one brief passage, one paragraph, like the piece about Stephen, let us say, where they take him and bring him into the council and try him because his leader, Jesus of Nazareth, was supposed to have intended to destroy that temple and to change the laws. If some one were to read that one passage to you and only that passage, without having told you first who Jesus of Nazareth was, who Stephen was, what it was all about and how it was resolved, that would not be a full explanation of the book as we all know it, and yet if some one to explain that book were to come along with another quotation and say, "Well, blessed are the merciful for they shall obtain mercy," that would not qualify it or explain it. The only way to understand

W/b9

the book is to read it, and these books are too big, too thick.

I would love to say that I recommend to you that you read them all. I cannot honestly do it because I haven't done it myself. I have been reading away at all these exhibits in this case for several weeks now, and I haven't finished reading the original list, let alone the supplementary list.

There are going to be a lot of pages, and I just have to tell you that we will try to give you some quotations to throw light on those books, and it is unsatisfactory, and I hope that you will read some of them, but if you don't I cannot blame you.

You will find in some of our evidence some pamphlets that purport to quote independent authority about what those books mean, not what the defendants say or not what the prosecution says, but what some relatively impartial groups say.

One of them that occurs to me will be quotations from the Supreme Court which I do not propose to give you now but where we will show that the defendants circulated a pamphlet with a Supreme Court decision that said what the Supreme Court thought some of those books meant. That sort of thing may be helpful to you. It was to me.

Now, getting out of the realm of books for a moment

W/b10

to the things that these people did, the overt acts, we don't intend merely to maintain that when they went to meetings or passed out literature or talked about Socialism that they thought they were protected by the Bill of Rights and freedom of assembly and freedom of press and freedom of speech. That is not what we are going to say. We are going to go beyond that. We are going to show you, by showing you exactly what they really did, that their activities completely negated the charges against them. They were totally inconsistent in design and plan and attitude.

Now, in this outline to you of some of the things we propose to prove I am speaking rather generally about all the defendants and the defense that they will all make.

THE COURT: May I suggest, Mr. Bassett, the Court is very happy to have you speak for all the defendants, but, really, I think if we are to have four opening statements for the defendants they should be limited to the particular defendants whom each one represents.

MR. BASSETT: Thank you, Your Honor. I shall confine myself to that.

THE COURT: If you want to arrange for a certain amount of time between the four of you, that is all right.

MR. BASSETT: Your Honor, I shall confine the few remarks I intend to make strictly to my client.

THE COURT: Very well.

W/bl1

MR. BASSETT: My client: She was born right here in Baltimore, and her parents were before her. Her family were representative of, oddly enough, the very wealthy, and her home life was the typical sheltered existence that you might imagine. They attended the church of their choice, were actively interested in the arts, and above all had a most conservative point of view. As a young girl she went to one of the fine schools here in Baltimore where, in addition to graduating with excellent grades, she found time to work on the school paper and engage in dramatics.

Incidentally, it was while she was a student at that school, in telling me her background, she commented that that was where she had experienced her first twinge or whim -- she had experienced her first twinge of social consciousness. It was one Saturday afternoon that she had gone down to the garment factory, owned by her relatives, to meet one of them for social activity that afternoon, the way girls do on Saturday afternoon in Baltimore, or at least they used to.

She had occasion to wander from the front office back into the shop. It was the first time she had ever seen the garment shop. It made her think. It made her ask questions. The questions weren't answered then, but she remembered the questions.

She put them out of her mind from time to time, but they stayed there.

Well, now, she finished Park School. I won't

F-5

W/b12  
F-5

mention its name; it is not important. She went on to college, and as long as I said Park I might as well say Goucher. She went to Goucher, worked on the school paper, engaged in dramatics again, and in addition to that, when you see how small she is you will be surprised to know she played basketball, hockey, on the teams, she read extensively short stories, poetry, she had beaux, she went to dances; finally she received her BA, and on the basis of her high grades was elected to Phi Beta Kappa. That is a very high honor.

She had a college degree. She got married, settled down and became a mother of two children. Incidentally, they are grown up now and settled down, respected citizens of the community.

She continued to write poetry, and in 1928 won third prize in an international poetry contest with a sonnet entitled "Einstein." She was also active in clubs. You women know about that. She belonged to the Baltimore Music Club, the Council of Jewish Women. She was treasurer of that organization for several years. She also belonged to the Jewish Educational Alliance, where she taught classes in dancing and dramatics as a voluntary worker.

In the 30's she became concerned about politics and economics. You remember the 30's -- the great depression had not hurt her too badly, she was fortunate in that respect, but

W/b13

she did see what was happening around her and the questions that had been in her mind all these years clamored for an answer. She read. She read, principally, a book by George Bernard Shaw entitled "The Intelligent Woman's Guide to Socialism and Capitalism." Based on what she read and what she saw, she came to the belief that socialism was the answer. But to show you about her position in those days, it was rather odd. She went to hear Norman Thomas. He was the Socialist candidate for president, you remember. She went to hear him then voted for Al Smith. She was thinking. She was learning. She was studying.

Well, in the early 30's she got very interested in the labor movement, in the trade union movement. She became a member of the Stenographers, Typists, Bookkeepers and Assistants Union Local 20048. That is an AFofL union. She was elected business agent and delegate to the Baltimore Federation of Labor from that labor union. She wrote regular columns. She worked with the Steel Workers organizing committee. She was a founder of Local 12 of the United Office and Professional Workers. That is a CIO union.

Then in 1939 she joined the Communist Party. She might have joined it earlier, she told me. What kept her out? The idea of force and violence. She, like many others, believed up until that time that the activities and program of the American Communist Party involved force and violence,

W/bl4

and as long as she thought that she did not join, and then upon reading their basic literature, reading their constitution, talking to members, she became convinced that their program really did not, as many people supposed, involve force and violence.

It was then and only then that she joined. I think that her intellectual process there is interesting. She believed in Socialism; they believed in Socialism. She did not believe in force and violence; they did not believe in force and violence. She joined.

Now, in the Party since 1939 her rise to the minor offices was rapid. It was rapid everywhere else, if you remember. She never belonged to anything that she did not amount to something in it. People liked her, respected her. I never saw her in my life until she walked into my office, oh, two months ago. That is an approximation. I am not sure, but certainly not very long ago, and in that short space of time I have come to find her one of the most charming and stimulating women I have ever met, and I think as this trial progresses you, too, will agree with me and with other people that she is a likeable, fine woman.

F-6

To get on with this little sketch: Among the posts that she held in the organization were: Organization secretary, manager of the Free State Book Shop, secretary-treasurer and education director. In addition -- this is funny to think that



W/b15

with that background and the jobs she did, she went from door to door to sell the newspaper, sell the Worker.

I think when she made up her mind, knowing that that is what she would be called upon to do, thinking about her background, at a time when she was already a grandmother, having had a full, active life, entitled to retire and look back on a fine, full life, and her children and her grandchildren, at that time she put all that ease and that comfort, put all that behind her for the self-sacrificing hard life, without profit.

Well, she went out and sold newspapers from door to door, the Worker. She went out and stood in front of the plant gates and talked to the workers. Yes, she worked for the Party. Well, the things she did for the Party you might be interested to hear about. She participated in campaigns for slum clearance; she participated in campaigns to get the Baltimore Transit Company to hire Negro bus drivers on the 21 line; she fought for the 65-cent minimum wage. That was her Communist agitation.

Cvy flws  
11:30

Cavey file  
Walker 1130a

During the war years, she did what she could for her country, your country, my country. She took part in bond rallies and civilian defense and Red Cross first-aid courses.

In 1949 her health began to fail, this grandmother who took on this new group of duties. Her doctor ordered her to take a complete rest and she went away in 1949.

In 1951, this worn-out little lady, living with her little grandchild up in Brooklyn, was arrested without warning and brought here for trial and here she is and she is prepared to meet these charges.

I want you to meet Dorothy Rose Blumberg.

Summing up and boiling it all down, the prosecution has told you that the defendants in this case are the people sitting there and there is a big pile of books are the proof of their guilt.

The defense will show you that the real defense in this case are the books and the defendants are the proof of their innocence.

THE COURT: How many more opening statements are there to be?

MR. BUCHMAN: Three more opening statements.

THE COURT: Who are they to be made by?

MR. BUCHMAN: Mr. Meyers, Mr. Braverman and

0 2

myself.

THE COURT: Are you speaking now in behalf of both of your clients?

MR. BUCHMAN: No, I am not prepared to speak now. Mr. Meyers will now address the jury.

THE COURT: May I again remind the parties that the function of an opening statement is to give an outline to the jury of what facts the defendants expect to prove and also to state what the defenses are. Not any more than that.

We will take a recess now for ten minutes.

(Thereupon, at 11:35 A. M., a recess was taken for ten minutes.)

THE COURT: Now, who is the next opening statement to be made by?

OPENING STATEMENT ON BEHALF OF DEFENDANTS  
BY MR. GEORGE ALOYSIUS MEYERS

Your Honor, Ladies and Gentlemen of the jury:

My name is George Meyers. I find myself in court today defending myself as a Communist and working-class leader against the charge of teaching and advocating the overthrow of the Government of the United States by force and violence.

This charge which we will prove to be false and malicious has been brought against me through the use of the Smith Act.

index

C 3

I, as a trades union leader, in company with the entire labor movement and other people's organizations fought the passage of this law twelve years ago as a danger to our Bill of Rights.

I am here defending not only the rights and privileges which I have but the rights and privileges of an American political party, my party, the Communist Party, which is also on trial in this court.

During the progress of the trial, I and my co-defendants will also prove we are defending the privileges of the whole American people.

I would like to tell you a little about myself, my background and the conditions of my life which created my thinking and the experience and activities which led me to join the Communist Party, and this is one of the ways I intend to prove that neither I, my co-defendants or the party can enter into conspiracy to teach or advocate the overthrow of the Government of the United States by force and violence.

I now live in Baltimore, Maryland. I am married and the father of two children. I was born in the mining town of Lonaconing, in the extreme west end of the State, 39 years ago.

I am the oldest of seven living children. My father was a coal miner, as had been both of my grandfather.

C 4

I learned early what depression and unemployment meant to working people since the coal industry then, as now, was a sick and over-expanded industry.

As a boy of eight, I joined the sons of other miners in digging coal in the slate banks to use at home for cooking and heating. It is an ironic fact that while my father dug many tons of coal from the bowels of the earth, we couldn't buy enough to keep the house warm.

This was at a time when John D. Rockefeller, who owned the main coal holdings in Western Maryland, the Consolidated Coal Company, was handing out dimes to show how generous he was. Many a time the cupboard was mighty bare in our house.

As a boy, the meaning of strikes was not strange to me, nor was the violence of industrial accidents. My uncle, Frank Meyers, was one of the 75,000 miners who have been killed on the job in the last 40 years.

My father was one of the nearly 2,500,000 miners injured in that same period. Many a time I stood at the mouth of the mine, watching the miners bring out their dead buddies - one of them was Jack Cosgrove, a miner who had worked along with my father for 25 years.

There were many strikes in the George Creek Valley following World War 1. Some the men lost, some they won.

THE COURT: Mr. Meyers, I am sorry but that is

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not the function of an opening statement. It may be that you can argue that at the end of the case but I must hold you to the usual obligations of an attorney to state what is the evidence that you intend to produce in this case.

MR. MEYERS: Your Honor, I feel I have to produce my thinking and what made my thinking as part of the defense.

THE COURT: I have to rule that this is not the time for that kind of argument. I hope you will not make it necessary for me to be any more definite about it. What evidence do you intend to produce in this case and what do you contend are the defenses of the case? That is the purpose of an opening statement.

I told you when you announced you did not want Mr. Buchman to continue as your attorney that you would have to conform to the obligations of an attorney.

MR. MEYERS: Your Honor, I feel that part of the evidence in this case is my whole way of living and what made my thinking.

THE COURT: No, this is not the time for that.

MR. MEYERS: That is the way I am going to show what I think and what I am supposed to do -

THE COURT: I am sorry but I have ruled on the matter, that this is not the time for that kind of

C 6

argument.

MR. BUCHMAN: As it applies to the other attorneys as well, it seems to me it is our position that the Government was permitted to show their intention and the nature of our activities and on behalf of the other defendants I enter an objection.

THE COURT: To begin with, that was thirty years ago. Mr. Meyers, I must ask you to confine your present remarks to the evidence which you intend to produce in the case and leave the argument until a later stage in the case.

MR. MEYERS: Your Honor, I don't intend to argue the case at this time and want to conform to your decision the best I can.

THE COURT: You don't know the difference between argument and an opening statement because you are not an attorney. I am giving you the privilege of representing yourself after declining to have your own attorney who has acted for you for months in this case but I am not proposing to allow you to go outside of the usual requirements of the Court. Now, please conform to my ruling.

MR. MEYERS: Well, Your Honor, I will continue as far as I am able, because not being an attorney, I don't know all the legal angles in this case, but I do know what I have to prove in order to get a verdict of not guilty

C 7

from this jury.

THE COURT: You may certainly tell what you intend to prove.

MR. MEYERS: It is necessary to some extent to be able to get my past activities into the record for the benefit of the jury to some extent.

THE COURT: You can state to the jury what your past activities have been, of course.

MR. BUCHMAN: I would like to enter an objection for my clients, too.

THE COURT: Mr. Buchman, you are not before the Court at the moment. Please be seated.

MR. BUCHMAN: I don't want to be precluded -

THE COURT: Please be seated.

MR. MEYERS: In 1930 I graduated from high school and was unemployed for three years. I hope to say this, Your Honor, if it is in order -

THE COURT: There is no objection to that.

MR. MEYERS: I will go along and say at that time I traveled throughout the country looking for work and finally got a job at the Celanese Corporation of America plant in Cumberland in 1933 for 23-1/2 cents an hour, seven days a week, and conditions there were so bad that it didn't take long to talk about organizing a union.

In 1936 I participated in the organization of



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Local 1874 of the Textile Workers Union. This was or is the largest textile workers union in the country.

Following that, I participated in a big number of strikes, stoppages, fighting for higher wages, better working conditions, vacations with pay, all kinds of improvements, and during that period I saw the use of force and violence.

Now, we have been charged with advocating the use of force and violence, but what we intend to prove is that I, as a member of the Communist Party, and the Communist Party does not advocate force and violence. I would like to prove where that comes from, because the force and violence I saw came from the companies and not from the workers and on one occasion I myself was attacked by a State cop for trying to get an agent provocateur off a picket line, a man I had never seen before or since.

I was a very active union member and during the period I was at the plant, I had the honor of being elected to many positions of leadership in the Textile Union which I helped organize - from shop committeeman to shop chairman, from door tender to President of the Union of 10,000 workers. I had the great honor of being twice elected President of the Maryland-D.C. Industrial Union Council, the State organization of the Congress of Industrial Organizations - the C. I. O.

C 9

During that time, particularly as President of the State C. I. O., I was actively engaged in waging the war against Hitler and Japan.

On the question of manpower, I served on the Manpower Commission here and one of the things we were most active in doing was fighting discrimination against negro workers in the war industries, particularly in the shipping industry. We also tried to secure negro workers at the Celanese plant, and I served on a number of State and Federal Boards set up to facilitate the conduct of the war, including the Labor Victory Board.

I resigned from that position, as well as all positions in the Union to enter the army as a private in 1943 and came out as a corporal in January, 1946, not 1945.

Since the Judge has ruled that some of the things here that I wanted to state shall not come in at this time, I will move on.

During this period when I worked in the mill and was active in the Union, I became conscious of the need for political action on the part of the working people in order to improve their economic conditions.

I was an ardent New Dealer and worked constantly in the Democratic Party. My father had been an election judge for 25 years as a Democrat.

I helped to organize the Maryland and Western

C 10

Maryland Labor Unity Conference. But again, I saw laws beneficial to the people watered down, inadequately administered and in many cases there was outright betrayal on the part of politicians who had made solemn pledges to the working people in order to secure their votes.

As part of this whole process, I began reading and discussion. In 1938, while Chairman of the Union's Educational Committee, I had helped organize a library. We received gifts of books from all over the country. I remember Mrs. Roosevelt sent some of her books from the White House.

I read books by Tom Paine, by Thomas Jefferson and by Lincoln Steffens. One book which made me begin questioning the anti-Semitic filth with which we had all been showered was Mike Gold's "Jews Without Money".

I went to the public library to read books by Rousseau, More and other utopian writers. I came across "Capital" by Marx, but didn't read it at the time. It had been presented to the public library by Congressman David J. Lewis, a former coal miner.

During this period I became convinced that Socialism was the only permanent solution to the needs of the working class, the negro people, the poor farmers, the majority of the American people. I lost all confidence in

C 11

the ability of Capitalism to solve the question of unemployment, low wages, decent working conditions, homes for all, real social security, full democracy for all the people.

Through my own experiences, we are going to prove how this anti-Communist bias is used against the Party and against workers. I know when I first became active in the labor movement, I was anti-Communist and at the same time I had many unsolved questions in my mind. We are called Communists but many of the leaders were the best fighters for wages and working conditions.

Your Honor, if it is proper, I would like to tell what happened during other periods of my life from 1933.

THE COURT: Mr. Meyers, you will have ample opportunity as a witness in the case for yourself, if you desire, to tell your full life story but this is not the time for testimony. This is the time to indicate to the jury what your defenses are to this charge and to outline the evidence which you propose to give to support it. This is not the time for you to undertake to give evidence in the matter but merely to outline what evidence you propose to give.

We have to have rules of court for the orderly progress of the administration of justice. Lawyers know

C 18

that. Laymen do not know it. That is the reason I suggested to you that it was unwise for you to dismiss your attorney who has been representing you for some months.

MR. MEYERS: Your Honor, I feel that was a correct position on my part.

THE COURT: That is all right. You have the privilege of making the decision but I have the necessity of seeing that the rules of this Court are complied with.

MR. MEYERS: To go on, as a member of the Communist Party and leader in the Communist Party, we are going to produce evidence that will show what I did was to continue and extend what I did as a trade unionist.

We Communists actively supported the wage demands and strike struggles of the trade unions in this area. We fought passage of the Taft-Hartley Law, which has done such harm to the American labor movement.

Testimony will prove that at the end of World War II, we fought for an extension of price controls, and full employment based on peaceful trade between all the nations of the world. testimony will show that I and my Party consistently took to the workers the basic need of the negro-white unity, making special efforts to convince white workers on this point, by demonstrating the fact that discrimination and disunity injured all workers, negro and white.

C 13

As an organization of negro and white members, all on equal footing, we will show that we conducted many struggles against Jim Crow, discrimination, police brutality and frame-ups against the negro people. We have worked for FEPC locally and nationally; supported the Jim Crow Repealer both locally and nationally.

We will enter testimony to prove that I and my Party have consistently opposed the trusts that dominate the life of the community. We will show that we have opposed the increase in the cost of transportation every time the B. T. C. seeks a price gouge.

We will introduce testimony to show we favored rent control and opposed the increase in the price of milk. You heard from one of the prospective jurors yesterday that he heard me at the hearing which was held at the City Council opposing an increase in the price of milk, and telephone rates and so on. We have appeared in opposition to all increases in utilities rates both in legislative and public hearings and public meetings and through distribution of leaflets and other material.

We will show as representatives of a political party that I and some of my co-defendants have covered the State Legislature at Annapolis in favor of the Soldiers Bonus for the Veterans of our State and were joined by the labor movement and other organisations in opposition

C 14

to the infamous Ober Law.

During the 1949 recession, prior to the beginning of the Korean War, we will show that we projected a program at a public hearing in City Hall and in leaflets and the press, which had for its purpose relieving the distress of the unemployed workers and their families and, in addition, made concrete proposals for providing jobs that would allow them to get away from the dangerously low standard of living provided by relief and unemployment compensation.

We will prove that as we did these things, and many more, we constantly endeavored to convince the workers, the negro people, the small business man, professional people, the thing that I had learned even before I joined the Communist Party - that Socialism is the only permanent answer to the ills that beset the majority of the American people.

We will also prove that since the end of World War II, I, my co-defendants and my Party have constantly fought for a peaceful world based on big power unity, which in the beginning had been the core of the United Nations. For a long time we have demanded the outlawing of the atom bomb by all nations, as the best way of guaranteeing that no atom bombs fall on cities like Baltimore.

C 15

We will prove that we have vigorously opposed the present drive of big business toward an all-out war, and that we oppose it as being contrary to the best interests of the American people.

During this trial, I and my co-defendants are going to demolish this false charge that we conspired to teach and advocate the violent overthrow of the Government of the United States. We will prove that we have advocated and fought for more democracy for the people as the best guarantee of the peaceful transition from a capitalist to a socialist society.

We will prove that this policy is based on a correct interpretation of the world-wide science of Marxism-Leninism.

We will show that this science, which we do teach and advocate to the best of our ability, is a science based on the experiences of the labor movement in all countries.

We will demonstrate that the science of Marxism-Leninism is not a dead science with formulas learned by rote, but a science that expands and enriches itself by new experiences, by new knowledge acquired. We will show that it is a growing science which develops new deductions and formulates new policies, based on the developments of a changing historical situation.



C 16

We are going to prove that the policies and program of the American Communist Party, based on the science of Marxism-Leninism, spring from and are influenced by the needs and desires of the American working class, the negro people, the small farmers and so on.

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We are going to prove that neither I, my party nor my co-defendants now or have ever taught or advocated the violent overthrow of the United States Government. We are going to prove, instead, that a pattern of violence stems from capitalism, and that the working-class and Negro people are victims of the violence of the capitalist system, with the innumerable deaths, injuries and diseases in the factories, mines, and mills, the attacks against men and women on strike, for a better living, as a result of dangerous and unhealthy working conditions, the inability to secure proper medical care, the terrible housing conditions, particularly of the Negro people in the City of Baltimore,

Here in the City of Baltimore the Negro people comprise 25 per cent of the population, yet are crushed into a little more than five per cent of the available housing facilities.

In our opinion, this is the example of force and violence that we have to deal with in this country, and it does not stem from the Communist Party. We will show it is the working people, particularly the Negro people, who are haunted by police brutality and frame-ups, unequal justice in the Courts.

THE COURT: That is decidedly not germane to this case to undertake to indict the Courts in this opening statement. I shall ask you to delete that reference.

W/b2

MR. MEYERS: Well, Your Honor, I could think of some cases.

THE COURT: No, I do not care to have any further remarks on that at this time. Any criticism of this trial you are entitled to make in a proper way at the proper time whenever it becomes necessary to do it, but I am not willing to sit here as a representative of the Administrative and Judicial Departments of the United States and permit a purely extraneous accusation to be made against the administration of justice in the Federal Courts. If, when and as you desire to introduce any evidence that is germane in this case I will rule upon it. I exclude it in this opening statement.

Please proceed.

MR. MEYERS: All right, Your Honor. We are going to show that force and violence was used by big corporations like the Celanese plant, Bethlehem Steel, Consolidated Coal Company, when workers tried to improve their conditions of life. We are going to demonstrate that in the transition from capitalism to socialism the danger of force and violence, if it should come -- and we believe it could be stopped -- would come from a tiny handful of the big monopolists who will be most reluctant to yield to the overwhelming majority of the people, to let go of an obsolete capitalist system which has given them such an easy living in the form of super-profits at the expense of everybody else. We are going to

W/b3

prove that the manner of our arrests, and the very act of bringing us to trial is an act of violence and desperation by a capitalist class who has no answers to its insoluble problems, yet is determined to try and prevent me and my Party from presenting our viewpoint in the market place of ideas for acceptance or rejection by the people.

While we Communists are firmly convinced that Socialism in America and in every country is inevitable, we do not regard it as being immediately on the order of the day for this country, nor do we venture to predict the time, methods, or form of establishment by which the majority of the American people will want to establish Socialism. We have no blueprints. However, we do wish to show what we taught and how Socialism can peacefully come to America based on the Marxist -Leninist theory and the recent developments of Socialism in other countries. We will do this to refute the false charge of advocating and teaching future violence which has been thrown at us by the Government indictment.

In this trial we will prove that instead of secret conspiracies we have made every effort to get our views and ideas to the people through every medium, the press, radio, public meetings, leaflets, and public hearings before Federal, State, and City bodies.

We will prove that our policy of industrial concentration, which the prosecution by devious methods is attempting to

W/b4

distort, is based on a common sense idea of the labor movement, particularly in its organizing drives of going first into key and decisive factories where the majority of industrial workers are concentrated -- the big factories.

We will show that the machinery of the Communist Party, the way it works, is based on the common sense and American idea of the majority rule.

I-3

Finally, we will prove that we are not really being tried for conspiring to teach and advocate the overthrow of the United States Government as quickly as circumstances will permit. We are not being tried because we re-constituted the Communist Party in 1945. We are going to prove that we have been hailed into Court for what we teach and advocate today -- an immediate end to the war in Korea, peaceful negotiations between the United States, the Soviet Union, Great Britain, France and China, peaceful co-existence of the United States and the Soviet Union, something that the Communist Party has taught and worked for since the Soviet Union was founded in 1919.

We are going to prove that we are being tried because of our steadfast opposition to a war program that is providing tremendous profits for a handful of monopolists, while rapidly pauperizing the majority of the American people -- a war program that has already resulted in millions of dead and injured in Korea, and whose inevitable result would be

w/b5

a disastrous atomic war.

We are going to prove that we have been hailed into Court by the Government's Department of Justice in its effort to hide its own corruption and other departments of government.

We are going to prove that this trial is part of a program of intimidation in an effort to prevent the whole people from demanding peace and democracy. We are going to prove it is part of a plan to crush the American trade union movement. We are going to prove it is part of a scheme to hold back the valiant drive of the Negro people towards the immediate fulfillment of full democracy according to the ideals of America.

We are going to prove that this trial is part of a conspiracy against the Constitution and the Bill of Rights which, if not checked, will lead into a Fascist America, and we will prove that we teach that such a disaster to America, as well as a world war, can and will be prevented by the American people.

We will show that we base this conclusion on the history of America, our proud revolutionary beginning, the second revolution, which took the form of a civil war and drove from power the slave owners of the South and their pals in the North, the pioneering spirit that built the West, the militant traditions of the American people, the working

W/b6

class, in its struggle to organize the trade union movement.

We will prove that we base our thinking on these things: On the proud history and traditions of the Negro people who have fought unceasingly for over 300 years, first against the yoke of slavery, and now for full and equal citizenship, the Jewish people, and many other national groups brought to America.

We will show that we are firmly convinced that the American people have learned the lessons of the terrible world war that ended in 1945. They learned how a bloody Fascist like Hitler, under the garb of fighting Communism, drenched the world in a blood bath and brought death and destruction to his own country.

We base it on these conclusions: We are firmly convinced of the old saying, "It won't happen here"

Ladies and gentlemen of the jury, I ask you to weigh the evidence that we are going to present very carefully with the full consciousness of the fact that this is a political trial and that I am on trial as a political leader, that a political party is on trial, and I am convinced that you will reach but one decision for myself and my co-defendants -- that of not guilty.

Thank you very much.

THE COURT: Mr. Buchman, is it your turn now or not?

W/b7

MR. BUCHMAN: No, Mr. Braverman.

THE COURT: Mr. Braverman, do you wish to speak?

OPENING STATEMENT ON BEHALF OF DEFENDANT BRAVERMAN

BY MR. BRAVERMAN:

MR. BRAVERMAN: Your Honor, ladies and gentlemen of the jury, my name is Maurice Braverman. I am one of the defendants in this case and, as Mr. Flynn has already told you, I am an attorney. I am representing myself or defending myself today, and during the course of this trial, because I feel that I am defending my honor, my ideas, my liberty and my professional reputation.

I would like to talk to you for just a few minutes about myself so that you can know a little bit more about me.

I was born 36 years ago just about 40 miles from here, in Washington, D. C. For the past 30 years I have lived in Baltimore City. I lived for the first 15 of those years at South Baltimore where I went to school.

I graduated from the Baltimore City College. Even as a youth I was active in civic and community affairs of the neighborhood and the city in which I lived. As a matter of fact, I was President of the Young Peoples' Bible Class of the Synagogue to which I belonged, and it was there that I met my wife. We now have two young daughters. One is aged 12 and the other will be 9 very soon.

I have always been active in civic and community



w/b8

affairs. For example, I have served on a lawyers' committee to collect funds for various appeals for the Associated Jewish Charities. I have served as a cub master. You may know that that is the youngest group of the scoutmasters. This was a church which was in South Baltimore, I think, on the corner of Hanover and Hampton Streets. I served for two years as president of the Parent Teachers Association at the school where my young daughter attends. For the past three years I served as secretary for the synagogue.

Mr. Flynn mentioned a few of the jobs I have held. He left out one. That is that I operated a grocery store in East Baltimore for a period of about five years. During the time that I was going to law school and for a period after I graduated and was practicing law -- that is, until I established a law practice -- I drove a taxicab.

I was admitted to the practice of law in 1941, admitted to all courts of this State, including the Supreme Court of the United States, and it has already been mentioned I have practiced law in this very court.

Included in my professional activities I have served on the Judiciary Committee of the National Lawyers Guild, which is a committee that concerned itself with the appointments to the Federal bench. I have served on various committees which were interested in the problem of making legal services available to people in low income groups.

W/b9

During all the ten years that I have been an attorney and an officer of our courts I have always sought to be responsible to my oath of office as an attorney,--My oath of office to uphold the courts of the United States, and I have always sought to be responsible to my profession in helping settle disputes, guide human relations, and improving the law.

As a lawyer I have come into immediate contact with practically all phases of the problems of modern society. I have represented trade unions, Negro people who were victims of discrimination, tenants who were in difficulties with their landlords, workmen seeking compensation for their occupational injuries. I have represented the foreign born; I have represented people subpoenaed before the Un-American Activities Committee -- yes, and I have represented the Communist Party in Maryland.

I-5

As a lawyer I became concerned and sought to get at the roots of injustice, bigotry and exploitation. Thus it was natural that as a lawyer, and particularly because of the kind of practice I had, a poor man's practice, if you will, that I read, studied and acquired a theory of government and of society.

The Government in this case says that my ideas of government were such that I conspired with others to teach and advocate the violent overthrow of the Government of the

W/b10

United States by force and violence. Not only do I emphatically deny that I ever so conspired, but I will prove, and the evidence in this case will prove, that my ideas and consequently what I taught and advocated was the full use of American democratic processes and the strengthening of our democratic institutions.

The Government in its indictment charges that the defendants in this case carried out 16 acts in furtherance of the so-called conspiracy to teach and advocate force and violence. 15 of these acts relate to meetings of one kind or another. The remaining act is an article alleged to have been written by Mr. Meyers. Four of the acts relating to meetings relate to me. I emphatically deny that I ever attended any meeting where I or anyone else present conspired to teach and advocate or did advocate the overthrow of the government by force and violence. Any one saying that I taught and advocated force and violence is thoroughly a vicious and malicious falsehood.

THE COURT: Now, Mr. Braverman, as an attorney you must know that that is not a proper remark for you to make at this time.

MR. BRAVERMAN: If I may finish, Your Honor --

THE COURT: You have no evidence which has been offered yet which has justified any such comment in advance on what the evidence may be. As an attorney I regard that as a

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very improper remark to have been made.

Members of the jury, let me say to you that nothing that you hear in the opening statements of counsel is to be regarded as evidence in this case. You have heard a very extended narration of the facts to be shown both by Mr. Flynn and by Mr. Meyers. None of that is yet evidence in this case, and nothing that you hear in the opening statement should be regarded by you as true unless and until it is proven by evidence.

You may proceed, Mr. Braverman.

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MR. BRAVERMAN: Thank you, sir.

The indictment charges that this conspiracy of which I am supposed to be a member started April 1, 1945. The evidence will show that on April 16, 1945, 15 days after I am supposed to have entered such a conspiracy, I wrote a letter to President Truman extending my condolences on the death of Franklin Roosevelt and pledging my support to President Truman after he had stated his intention to carry on the policies of Roosevelt.

The indictment in this case charges that I would or did publish and circulate articles, books, and so forth, that teach and advocate the overthrow of the Government by force and violence. The evidence will show that all of my writings, whether they were briefs, articles, radio broadcasts, pamphlets or letters, not only did not teach and advocate force and

W/b12

violence, but, on the contrary, I taught that the American people should make the widest and fullest use of their democratic processes, that is, to petition the Government for redress of grievances, to write letters to their government officials elected or appointed, to go to Annapolis, to the City Hall, to Washington, and tell our representatives in person what we wanted and to seek the help of the Courts whenever they felt their constitutional rights were in jeopardy.

The evidence will show, for instance, that I did publish a pamphlet in which I attacked the violence of the police brutality -- this after the Sun papers had carried a series of stories exposing police brutality in Baltimore.

The evidence will show that the conclusions of this pamphlet that I wrote, published and circulated in 1951 were that the lessons of history demonstrate that when the people join together they have more democracy, and thus in this pamphlet I urged people to write to the Governor expressing their sentiments about police brutality.

The Government mentioned today that I was chairman or an officer of the Civil Rights Congress. The evidence will show that during the time I was counsel for this organization I worked for civil rights for all people and for the extension of democracy.

Earlier I mentioned I had acquired a theory of Government and society. The evidence will show that I believed

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and consequently taught and advocated the idea that the Government should be the servant of the people, that no government agency has a right to say what are good nor what are bad ideas; that the problems facing the American people today, the problems of war or peace, of high prices, of discrimination against the Negro people, anti-Semitism, the rights of labor to organize their unions free of government control -- These problems cannot be solved except by allowing free debate in the market place of ideas.

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I taught and advocated the theory that social progress can be achieved best through the free exchange of ideas, and that any efforts to prosecute men and women for their ideas is subversive of good government, and consequently I taught and advocated that laws like the Smith Act, the McCarran Act, Taft-Hartley Act, the Ober Law were undemocratic and should be repealed.

THE COURT: Do you think that is a proper remark for you to make here in Court in a case while you are on trial?

Now, are you seeking to use this trial for discussion of political questions?

MR. BRAVERMAN: Your Honor, my political ideas are on trial.

THE COURT: No, no, they are not. You may proceed, but my judgment is that it is an entirely inappropriate statement to have made. It is not political in its nature but it is a judicial trial.

MR. BRAVERMAN: I am trying to show that the evidence of all my activities which I hope to introduce in this trial --

THE COURT: Not your future activities.

MR. BRAVERMAN: I not only urged people to vote but I took them down to the Court House in my automobile to register to vote. I urged the abolition of poll taxes

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because I felt that they kept people in the South from voting.

The evidence will show that none of this was window dressing, that this is what I did, advocated and taught.

The evidence will show that at every one of the meetings I attended I urged the use of democratic processes, this whether it was a tenant's council meeting when I discussed the O.P.A. laws, or a meeting where I discussed foreign affairs and urged the people to send letters to the president setting forth their sentiments for peace.

I believe and consequently taught and advocated that only Congress may make war and that Congress being elected by the people shall be responsible to the people's desires. Thus I taught and advocated that the people have the right to petition Congress to end the war in Korea, and I believe that what I taught and advocated is best expressed in the words of Thoreau when he said:

"The law will never make men free; it is men who have got to make the law free. They are the lovers of law and order who observe the law when the Government breaks it."

Consequently the evidence will show that where I felt that public officials had abused the powers of their office by refusing to grant equality or equal justice to negroes. I taught and advocated, not force and violence, <sup>but</sup> the use of democratic processes to correct these abuses.



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The evidence will show that I helped organize conferences to achieve the passage of a Fair Employment Practices Law, to eliminate poll taxes, and to save the lives of negroes, unjustly convicted, and as a lawyer who loves justice and as an American citizen who loves democracy, I have a hatred for the oppression of the negro people.

The evidence will show that early in my life as an attorney, I came to discover that it was the Communist Party who best represented the interests of the working people. I considered it an honor therefore that I became counsel to the Communist Party of Maryland, and I represented that Party in many matters including the legal proceedings around the Ober Law.

Early in my practice as an attorney I saw that it was always the working people, both white and negro, who had the most at stake, who are the hardest hit by wars, depressions, high prices, high taxes, prejudice, and that it would be the working people, along with the negro people, the small business men, the farmers and professionals like myself who held the key to the solution of our social and economic problems, and who would eventually bring about a world of peace, security, freedom and abundance.

Thus I supported labor as an attorney and as a citizen in its efforts to organize, to seek better conditions, and a better standard of living.

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Yes, I believe in socialism, and I advocated the idea that the abolition of oppression, exploitation, economic crises, unemployment, and the causes of war would be achieved by the peaceful socialist reorganization of society, that is by the common ownership and operation of the nation's economy based on production for social use instead of for profits under a government of the people led by the working class.

I believe that we will eventually have socialism, a higher kind of a democracy established by the free choice of the majority of the American people.

The evidence in this case will show you that I did not enter into any conspiracy that I did not conspire to teach and advocate force and violence.

The evidence in this case will show you that all my activities as a lawyer and as a citizen have been to strengthen the institutions of American democracy and to strengthen our constitutional principles to bring about the widest possible use of the democratic processes.

I suggest that what Mr. Flynn was saying to you and what I have said, what Mr. Flynn for the Government has said and what I have said is not evidence and the other counsel will say in their opening remarks, that is not evidence, and it may be some weeks before the defendants will be able to present their case. Now, the things I have told

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you are things that I would like you to keep in mind so while the Government is presenting its case keep in mind what the defendants intend to prove and to demonstrate in the evidence, and I am confident that when you have heard all the evidence in the case that you will bring in a verdict of acquittal.

I thank you for your patience.

THE COURT: Now, Mr. Buchman.

OPENING STATEMENT ON BEHALF OF THE DEFENDANTS

By Mr. Harold Buchman:

MR. BUCHMAN: May it please the Court, Mr. Foreman, and Ladies and Gentlemen of the Jury, as you probably have gathered this is not an ordinary offense that is charged as against individuals, as leaders of a Political Party as part of a crime, the charge with respect to Communist doctrines and ideas.

Now, my name is Harold Buchman, and I am an attorney in Baltimore, and I represent two people, Mr. Philip Frankfeld and Mrs. Regina Frankfeld.

I would like to explain, as was indicated to the Court, that I speak now on behalf of only one of them, and I will address myself as counsel only for Mr. Philip Frankfeld.

Now, I would like to refer briefly to some things that the Government indicated. Mr. Flynn, I think, spoke about three things in general. First, he described the

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activity of my client, and I would like to tell you just what that is, and secondly to explain to you about Marxism-Leninism, and I will try briefly because it is difficult, it is a difficult subject, simple and difficult at the same time, to tell you something about what is this sort of mysterious Marxism - Leninism, what it is.

Then thirdly I will tell you, attempt to show what the defendants or Mr. Frankfeld rather did, and something about Marxism - Leninism or scientific socialism, what they did from 1945 to 1951, what they actually taught and advocated, now, as to the books that you will probably hear about, the books that will probably drive you mad during the course of the trial, the books of Marxism - Leninism, and I want to give you some idea of those books, but all books, all magazines, all newspapers, they have not been as we will show you mysteriously secretly circulated in the State of Maryland or elsewhere.

I say to you that we will show you that for example "The Communist Manifesto" and "State and Revolution", the first being a work by Karl Marx, and the second by Lenin, are in every library in the United States, and we will show you in Baltimore City, or in every university, or in any ordinary book store.

Certainly the work of Karl Marx, "Das Kapital" is one of the classics of the world, a well-known work dealing

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with economic and political aspects.

We will show you that the paper, the "Daily Worker" the Daily Communist Newspaper or "Political Affairs" which were their organs and magazines in which they taught about theory which are purchasable by anyone, and Mr. Frankfeld promoted the market and its sale from time to time, and all these things, all these ideas are something they attempted in the light of day to get the people to accept, their ideas.

Now, I want to say that the ideas are a natural thing, that they come from one country to another, as we will show for example that they were the ideas of Rousseau, and Montesquieu, another Frenchmen, and John Locke, as the ideas went to England, and these ideas go from one country to another.

Then when we come to America there is the name of Tom Paine who became associated with the American Revolution which inspired the French Revolution back in 1789, so ideas travel back and forth.

We will show you that Communist ideas are not a foreign importation, but they were in the early colonies and existed in 1732 when a group of three hundred came to this country and tried an experiment which failed. After that there was another one of these experiments in which there was the person, Horace Greely, the man who said, "Go West Young Man," and another one by Brisbane, the father of

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Arthur  
Brisbane who was with the Hearst Newspapers.

It was a question of ideas being carried forth, the various problems of human beings from one place to another with respect to wars, depressions, poverty and hunger, the desire for human beings for a better life and a better standard of living.

Around the 1840's as a result of the development of industrial society man began to discover the nature of their physical universe and became aware of certain problems, and about the same time two Germans, exiles in England, living in England used the ideas or some of the ideas that had been developed with respect to socialism, and used some of the ideas of Benjamin Franklin, and also others, and they published the "Communist Manifesto".

Now, I wanted to be understood that in explaining this I am not trying to persuade, to proselytize, if that were possible but in asking this so that you can see what the defendant, this defendant taught, to see about these ideas, to advocate and teach these things which are the result of our human experience because the Bill of Rights in this country formulated certain ideas as a result of human experience, and when you come to these things which were developed as a result of the stream of history, you have to understand the times in which the thing was written and the society in which they lived, as they began at a certain stage

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after man acquired a certain knowledge of tools and society began to develop into classes. Now, Marx developed that, but he did not make that discovery. It was made.

Then there developed the various stages of slave and master and then there developed the stage of feudalism, the lord and serf, and then from that point where you had the worker and manufacturer or capitalist, which was an ordinary natural process.

It is on that basis that we come to the worker where there was the system where the worker did not have enough money to buy the production that was made and there was a concentration of wealth in a few hands, but they were the victims of an economic system, and then there were the resulting depressions that we all know about. That is all familiar to all of us, as we can probably remember from our knowledge of American history, reading about the trade union movement, and some of you will probably remember Eugene Debs.

Then you come down to the 19th Century, and Russia and you have the example of Lenin, but you have to remember the times in which it was written where people could not exactly go out on a street corner and say certain things and therefore they said overthrow, or some such, and that is what I want to make clear so that you can understand it, that you have to understand the people who wrote it and the times in which they lived because they had no Bill of Rights at that

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time, and eventually you reach the later time such as was referred to by Franklin Roosevelt, referring to the economic royalists, and in the 90's it was the robber barons and with Teddy Roosevelt it was the trust busters.



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12:45p

In America we have what is also referred to as the "Sixty Families". You have eight financial syndicates controlling 200 corporations and 60 families controlling 70 percent of the American economy and through that control they control the political structure of the country, the political policy through radio and the press and television and control in the sense of the thinking of the country.

THE COURT: Mr. Buchman, I think you are going far afield and far beyond the purposes of an opening statement.

MR. BUCHMAN: I am trying to show -

THE COURT: How much time do you wish? Will you conclude by five minutes of one?

MR. BUCHMAN: That will have allowed me 25 minutes.

THE COURT: You would then have had about a half hour, yes. I do not want to unduly restrict you but it is so perfectly clear to me that the line you are going into now is not in accordance with my understanding of an opening statement. You are making an argument.

MR. BUCHMAN: I am trying to outline the violence, what the subject is, so it isn't a mystery.

THE COURT: Perhaps you are seeking to introduce an argument. What this jury wants to know, what are the

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issues of fact in this case?

MR. BUCHMAN: Let me say this: The Government charges that Marxism and Leninism teach the overthrow -

THE COURT: You can sum up by denying that there is a revolutionary doctrine of aggression by force, which is the program of the Marxist Party.

MR. BUCHMAN: I want to discuss that but it isn't so simple, Your Honor.

THE COURT: I don't want to restrict you except to state you are not following the ordinary rule of an opening statement.

MR. BUCHMAN: This is not an ordinary case and what I am trying to do is simply show briefly -

THE COURT: No, it is not the ordinary case. I propose to keep before the jury the issues of the case, which are simple and clear as far as I have been able to get them.

MR. BUCHMAN: I am trying to do that, first to show the principles -

THE COURT: Go ahead.

MR. BUCHMAN: How they preclude any force and violence.

THE COURT: I don't want to argue with you.

MR. BUCHMAN: To remind you all, when you hear this doctrine of Marxism or Leninism or revolution in the

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texts, remembering the time and place and situation was different when they were written, and to understand how they apply to America, and I want to tell you a little about this defendant's life briefly and how he applied these principles in the 1945-1951 period, to show you how he did not or could not advocate or teach the overthrow of the Government by force and violence, but by virtue of the control of the means of communications, those in control of political power are able to make these charges.

Mr. Frankfeld was born in 1907 on the lower East Side of New York and grew up under conditions of extreme poverty. He had to go to work at an extremely young age, even before he was able to obtain a work permit, at the age of 13, and his family, his father was either laid off or on strike in the garment industry in those days and his mother had to take in work, and it was a very hard early youth, and finally he became a member, as was explained to you by Mr. Flynn, of the Workers Party, about which there was not the apprehension which exists today.

He joined and collected dues and collected money and he became a socialist. Socialist ideas in those days were very different from today and on every street corner someone would be talking about socialism. In

C 4

New York, in the early century, there was a socialist candidate for Mayor of New York and he received a quarter million votes.

He joined the Young Workers Party at the age of 15 and left after about three years in the business to go out and take a job in Ohio, where he tried to organize other workers and where he learned, as you know, when they learned that a man was a member of a union, he would lose his job, and then he helped raise funds for striking textile workers in Passaic, New Jersey, and he actively participated in organizing workers all through the years for better working conditions, and during the depression years and all the years before, to help the unemployment situation, particularly in Pennsylvania, where there were so many unemployed miners, in going to the legislature and getting the legislature to do something for the needs of the miners, and he and the Communist Party at that time were doing this - they were the first to raise a voice for unemployment insurance, something which is accepted now as common.

He did visit Moscow in 1931. He went there because he believed in socialism, an organization which Mr. Flynn referred to by another scientific term, which simply means rule by the working people and reliance on the Russian forms - - the dictatorship in our language,

C 5

the American language, means Government of the people, by the people and for the people, the vast, overwhelming majority of the people, to control the mines, mills and factories and so on, which the defendant say are the product of all the people and should belong to all the people.

He was arrested once and served time. A poor farmer was losing his farm during the depression, a tax sale, and it was the most peaceful tax sale in the county that year, which prevented the man from using his farm, as a result of which, even though it was peaceful, he was arrested for inciting to riot, but the man's farm was saved.

Mr. Flynn referred to lectures. Mr. Frankfeld also lectured on the history of the United States Government, in the Army, and was commended very highly for it when he served several years in the Army, and also in the years he continued to participate in struggles for the rights of working people, negro people and so on, because of what Mr. Flynn refers to as the Communist Manifesto.

The conception of how Communists should bring about not only changes in the society in which they live, as a defendant, Mr. Frankfeld feels that the ultimate solution during the last five years has been socialism, not a destruction by force and violence. The major problem

C 6

in America is not one of bringing about Socialism but how to preserve democracy, what are the aims of the American people and the people of Maryland, and those are the things he pre-occupied himself with and very frequently appeared before legislatures and city bodies on economic issues and issues affecting all the people, and further, let me say this on the question of force and violence, and this is certainly known to the prosecution, that since 1935 that you will probably hear from the evidence, when at the time when the American Communist Party was a part of the Communist Internationale, at their National Congress, it was decided that the principal problem was not bringing about socialism but the prevention of facisism in destroying the representatives of the people, and from that point on, the American Communist Party has guarded itself not to create socialism but in protecting the democratic principles and protecting the interests of the American people.

I think Mr. Bassett read to you the only way in which the subject of force and violence has ever been discussed in the Communist Party.

All the classics that Mr. Flynn will refer to that discuss force and violence will show that their main idea was not to bring about socialism but to preserve the democratic principles of this country as applied to

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America and to American rights.

It is difficult to simply describe or blue-print an American Communist and to take something that was written in 1917, 1925, 1930 or 1935, dealing with different conditions and applying it to American conditions.

We will show it would be unrealistic to make such a charge as it would be to say because we read the writings of Jefferson, who said, "The tree of liberty must be nursed every twenty years by the blood of patriots", that that principle or theory could be applied as of today.

As I say to you, this is not a simple case. We conceive it to be the trial of a political leader and it is of historic importance and we call on you to wait until all the evidence is in and realize that your decision might not only affect the liberty of my client, which is very dear to him, but may affect the future of America, in determining whether people have the right to seek to know how to solve their problems. Thank you.

THE COURT: Members of the jury, you have heard three hours of opening statements as to what the evidence is to be and what the issues in the case are to be. You have not heard a single word of evidence yet.

In order to keep the issues in this case clearly before our minds, I think it necessary for me at this

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point to tell you what are the issues indicated by the opening statements.

1. The contention of the Government is that the Communist Party in the United States since 1895 has been and is now a revolutionary party which has a program the objective of which is to take over the Government of the United States by force and violence as soon as it is possible for them to do so. That is issue of fact number one.

The burden of proof is certainly on the Government to show that and we do not presume it to be a fact, but that is the first issue.

Now, the second and even more important issue in this case for the defendants is this: Are they such officers and members and representatives of the Communist Party that they themselves are committed to the doctrine and intention and objective of carrying out that program of the Party.

The Government has searched affirmatively both those issues and the defendants, so far as I have followed and been able to follow their opening statements, is that they emphatically deny both those issues of fact.

That is what this case is about and this case is not about the question of whether Socialism is a wise economic theory or whether Communism is wise as a purely economic theory. It is not whether the defendants have



been humanitarian in their approach to society and have endeavored to better the conditions of the working classes or of any particular race or portion of our great American community. This is not a political forum.

The defendants contend or say that it is a political trial. If, when and as there is evidence bearing on that, I will undertake to rule on it as a matter of evidence, but the issues of fact that we have before us to try and which the evidence must relate to is what I have explained to you.

Now, let me say another thing. It is a criminal trial and the defendants are presumed to be innocent until proven to be guilty and the burden of proof is on the Government to prove that beyond a reasonable doubt.

Now, in the course of this trial, I rather anticipate from some of the things that have been said in the opening statements that there may be questions asked which may be objected to as a matter of evidence. Now, the Judge is here to rule on matters of evidence. It is a part of the rules that apply to the Judicial Department. In the discussion which you may hear about the points of evidence, there may be a colloquy between the lawyers and the Judge, in the course of which it may be necessary for the Judge to give his reasons for his ruling, but the thing that I want to caution you against is this: Nothing

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that the Judge says in that connection is evidence before you and you are to be the sole judges of the facts of this case.

MR. BUCHMAN: Before you conclude, Your Honor, I want to note my objection to the first and second portion of your remarks and would also like the opportunity to discuss it out of the hearing of the Jury, the reason on which I base my objection, so that the matter can be clarified for the future.

THE COURT: We will take a recess until two o'clock.

(Thereupon, at 1:00 P. M., a recess was taken until 2:00 P. M. )

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AFTERNOON SESSION (2:00 p.m.)

THE COURT: Proceed, gentlemen.

Now, Mr. Buchman, you had some motion, or what do you want to say?

MR. BUCHMAN: Well, Your Honor, I was going to prepare a formal motion --

THE COURT: What?

MR. BUCHMAN: I am going to prepare a formal motion I would like to file. Also, I would like to request the opportunity of a conference in chambers. Perhaps some of these problems can be discussed that way.

THE COURT: Some of these problems?

MR. BUCHMAN: Yes, Your Honor.

THE COURT: What are they?

MR. BUCHMAN: Well, the first one relates to Your Honor's theory of the case as expressed in your ruling, and I don't want to discuss it at this time in the presence of the jury.

THE COURT: Do you want the jury to retire?

MR. BUCHMAN: I would rather not take up that time if we could approach the bench.

THE COURT: Very well. We are ready for the evidence, then, are we?

MR. BUCHMAN: I am going to file a formal motion.

THE COURT: What is the motion you wish to file?

W/b2

MR. BUCHMAN: I would rather not discuss it in the presence of the jury.

THE COURT: I am afraid you will have to discuss it now unless we can go on with the case.

MR. BUCHMAN: Well, we can proceed with the case, then.

THE COURT: Call your first witness, then, Mr. Flynn.

MR. FLYNN: Your Honor, before I call my first witness I would like to suggest to Your Honor that in view and in light of certain decisions, that I think it advisable that Mr. and Mrs. Frankfeld would tell the Court separately themselves that it is their desire that Mr. Buchman represent each one of them. I think that that might be the proper thing to do in order that there may be no misunderstanding at some future date as to whether or not there is any conflict in the representation of the two defendants.

MR. BUCHMAN: I can't understand the reason for that, Your Honor. I have an authorization, I have entered my appearance. That should be sufficient.

THE COURT: I am not clear that I understand your suggestion.

MR. FLYNN: Well, Your Honor will remember the Supreme Court decision which we have up in the Close case right now in which they raised a question at some future time where

W/b3

counsel was representing two adverse defendants in the same case, and I just wanted to be sure that both defendants wanted Mr. Buchman to represent them so that at some future date we would not have that question arise that might give us some difficulty.

THE COURT: I have heard no suggestion of any inconsistency between the two clients represented by Mr. Buchman, and unless and until that is made to appear I have to accept, of course, the action of the attorney in representing them.

MR. FLYNN: All right, sir.

THE COURT: It is presumed to be authorized, and I understand Mr. Buchman says that it is authorized.

MR. WRIGHT: May it please the Court, before the Government starts its evidence I would just like the record to show that on behalf of the defendant Wood opening statement as to him is being reserved at this time.

THE COURT: That I did not understand. Someone said there would be four opening statements, and I supposed that that covered all the defendants.

MR. WRIGHT: No, Your Honor. I think there must have been some misunderstanding as to that. I gathered from what Mr. Buchman said that there would be some opening statements and some reserving, and he indicated that there would be four who would open and others who would not. I would just

W/b4

like it understood at this time that with respect to the defendant Wood we do reserve with the opportunity to proceed later.

THE COURT: Very well. Proceed. I think that Mr. Bushman said that he would like to reserve the statement as to one of his two clients.

MR. WRIGHT: That is correct, Your Honor.

MR. BUCHMAN: In accordance with Your Honor's permission.

THE COURT: Very well. Call your first witness, Mr. Flynn.

MR. FLYNN: Mr. Paul Crouch, please.

MR. BUCHMAN: If the Court please, I would like to move that all witnesses other than this witness be excluded at this time from the courtroom.

THE COURT: Do you mean witnesses on both sides?

MR. WRIGHT: That is correct, Your Honor, I think that we ought to have the rule on the witnesses.

THE COURT: It is always a little inconvenient to do that, but the Court is perfectly willing to do it whenever there is any good reason for it. Would counsel be able to tell me why you think there is a reason for excluding witnesses in this case?

MR. WRIGHT: Your Honor, in my view, since one of the witnesses for the Government will be on the stand and we have no

W/b5

way of telling precisely what will be the nature of the testimony and at what point it is related to what any other witness may say, there may be some tendency, and quite probably so, as is the reason for the rule on witnesses, to prevent the very influencing of testimony of subsequent witnesses by what he himself is hearing in Court. I think that that is a very substantial basis and would protect the rights of the defendants very amply.

THE COURT: Anything to say, Mr. Flynn, on that point?

MR. FLYNN: If it please the Court, we will not have any witnesses in the Court that will be able to listen to any witnesses we put on. Our witnesses will not come into the courtroom until they are called for testimony.

THE COURT: Have you any witnesses in court now or have the defendants any witnesses in court other than the one who is about to be sworn?

MR. FLYNN: We have not, sir.

THE COURT: Have you?

MR. WRIGHT: Neither has the defense, Your Honor, except the defendants themselves who will later take the stand.

THE COURT: Oh, I have no idea of excluding the defendants, at all.

You may proceed, then, with this witness.

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W/b6

Thereupon,

PAUL CROUCH,

a witness called on behalf of the United States, being first duly sworn, was examined and testified as follows:

THE CLERK: Take the witness stand and state your full name, sir.

THE WITNESS: Paul Crouch.

DIRECT EXAMINATION

BY MR. FLYNN:

Q Mr. Crouch, where were you born?

A I was born at Moravian Falls, North Carolina.

Q And were you raised in North Carolina, sir?

A I was.

Q How much education have you had, sir?

A Grammar school, high school and university, night courses, extension courses, correspondence courses from several universities and colleges.

Q Have you ever been a member of the Communist Party?

A I was.

Q Will you tell His Honor and the ladies and gentlemen grand of the jury the circumstances, when and under what circumstances did you join the Communist Party?

A I read the literature of the Communist Party from the time of its organization in 1919 and had many friends in the Communist Party, but I did not join for some years because



W/b7

I --

MR. BUCHMAN: I object to this, Your Honor. He was asked when and where. I would like to confine it to a responsive answer.

THE COURT: No doubt that will develop as he goes along. I assumed, naturally, it would. It is a little difficult, of course, Mr. Bushman, to stop a witness in the midst of an answer.

What is your present question? I am not sure that I understand it.

MR. BUCHMAN: It is a very broad and general question, when and under what circumstances, and I didn't want him to get into a speech on "because", Your Honor.

THE COURT: On what?

MR. BUCHMAN: On "because", as he started to preface his remarks with "because."

THE COURT: What was your question, Mr. Flynn?

MR. FLYNN: If it please the Court, I just don't know about that word "speech." We have heard so many speeches already today I don't see why there should be any objection on the part of the other side for the witness to say a few words. If they are going to be criticized and characterized as speeches, I think it comes with very poor grace from the other side.

MR. WRIGHT: That is very improper.

W/b8

THE COURT: What is the question, Mr. Stenographer?

MR. ELYNN: The question is: When and under what circumstances did you join the Communist party?

THE COURT: There has been an objection to that. I will overrule it.

A I did not agree with the complete program on certain matters until I was in the U.S. Army in Hawaii. In 1924 and 1925 I organized a Communist organization called the Hawaiian Communist League in the Army, together with Walter Trumbull and other soldiers. We were court martialled.

MR. BUCHMAN: I object to this, Your Honor. He answered the question already.

MR. BRAVERMAN: Your Honor, may I speak just a second?

First, as to the question of objections, I just want to say that counsel has agreed formally among themselves that the Court permit that objections made by one counsel will be for all defendants, so that we feel that the time of the Court would be saved rather than each counsel having to make an objection, if that is agreeable.

THE COURT: I think that is very desirable.

MR. BRAVERMAN: That, of course, goes for the two defendants who are acting as their own counsel.

I feel that the answer is not responsive. The question was a simple one. I feel that the answer is getting

W/b9

into territory that goes beyond the nature of the question itself.

THE COURT: Well, unless it is absolutely necessary for some purpose that I do not understand at this early stage of the case, I think that we had better start a little nearer to the time that is involved in this case, 1919.

MR. FLYNN: This is 1924 this man is talking about, when he was court martialled in the Army for Communistic activities. I think that is certainly proper to bring out at this time.

THE COURT: Did you say that you had been court martialled in the Army for Communistic leanings?

THE WITNESS: Yes. This is prior to my membership in the Communist Party and leading up to it.

THE COURT: Very well. That is the beginning of it. What is the next thing?

Q (By Mr. Flynn) What punishment was given to you?

A A sentence of 40 years.

Q Where?

A In the Alcatraz Disciplinary Barracks in California.

Q While you were at Alcatraz did you continue your activities in connection with the Communist Party?

A I made formal application for membership in the Communist Party in 1925 to district organizer of the Communist Party Tom Lewis.

W/b10

MR. BUCHMAN: I move to strike that answer; no foundation laid, Your Honor.

THE COURT: Overruled. It is purely preliminary. I cannot tell, of course, what the witness may say in the case so far. Go ahead.

Q (By Mr. Flynn) Now, then, how much time did you serve?

A I served until June 1, 1927.

Q In other words, your 40-year sentence had been reduced?

A To three years.

Q To three years?

A To three years.

Q Now, after you had gotten out of Alcatraz what did you do in connection with the Communist Party and your membership?

A I began attending immediately the top level, as well as unit section, meetings of the Communist Party.

MR. BUCHMAN: I object.

A (Continuing) And I went on a speaking tour --

MR. BUCHMAN: I object to the question, your honor.

THE COURT: Overruled so far.

A (Continuing) And I went on a speaking tour under the auspices of a Communist Party subsidiary, the Anti-Imperialist League, until I completed that speaking tour about

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the first of October, 1927, in New York City.

MR. BUCHMAN: Now, I move that the answer be stricken.

Q (By Mr. Flynn) When did you actually join the Communist Party?

MR. BUCHMAN: I would like to be heard on this question briefly, Your Honor.

THE COURT: With regard to being heard on points of evidence, gentlemen, the rule in Federal Court is that unless the Judge decides he wants counsel to be heard on objections to evidence it is not supposed to be insisted upon by counsel. I often do like to have counsel help me pass upon the rules of evidence, but unless I ask him in some way it is not at all necessary because one has a certain familiarity with the rules of evidence, and unless there is some very definite point that is made as to the inadmissibility of evidence it really is not necessary to instruct the Judge about it.

Now, I would say for your benefit in connection with the rulings I have so far made on this witness, that it seems to me that these questions and answers are purely preliminary to something that Mr. Flynn may have that is material to the case. So far it has not been material.

MR. BUCHMAN: Except, Your Honor, do I have the right to state my grounds? I understand the rule requires it,

k w/bl2

otherwise the objection may not be properly taken.

THE COURT: Yes, if you wish to.

MR. BUCHMAN: And my ground is it is simply a conclusion on his part. He does not give the time, place or circumstances, and it is very general.

THE COURT: Very good. The grounds are not sustained in this particular case. Go ahead.

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Q (By Mr. Flynn) When did you actually join the Communist Party?

A I actually joined the Communist Party in 1925 while I was in Alcatraz Disciplinary Barracks.

Q While you were in the Alcatraz Barracks?

A Yes.

Q You joined the party there. Now, when did you actually receive your card, your Party card?

A I received my Party card in September, 1927, from the hands of William Z. Foster, at Party headquarters in Chicago.

Q Now, William Z. Foster, he is one of the co-conspirators mentioned in this indictment. Now, who was William Z. Foster?

A He was a member of a central committee of the Party, a member of its political bureau, and during my membership in the Communist Party most of the time was as national chairman.

W/b13

Q Now, you say you received your Party card from him in Chicago?

A Yes.

Q And that was in 1927?

A 1927.

Q Prior to that time had you held any positions in any other affiliated Communist organizations?

A Yes, I had.

Q What positions were they, and what organizations were they?

A I was a member from some time in 1926 of the National Executive Committee of the Young Communists League, the youth auxiliary of the Communist Party.

Q The youth auxiliary of the Communist Party?

A Yes.

Q Now, that was prior to the time you received your card in the Party; that is true, is it?

A Yes, it is.

Q Now, you made some mention of the Anti-Imperialist League, that you went on a lecture tour for them?

A Yes.

Q That was after you got out of Alcatraz?

A Yes.

Q And prior to the time you received your party card?

A Correct. Most of it was prior. I received my

w/b14

card in Chicago while I was on the national tour, and I concluded perhaps two weeks later on arrival in New York City.

Q Now, have you held many positions in the Communist Party?

A Yes, more than a hundred.

Q Now, could you tell His Honor and the ladies and gentlemen of the Grand Jury, just as briefly as you can, when and what positions you have held in the Communist Party of the United States?

A To name only the most important ones, from 1926 until 1930 member of the National Committee, Young Communists League; from 1927 to 1930 on the National Bureau for that; and 1929 and 1930 a member of the Secretariat of the Young Communists League; editor of the Young Worker, its official organ, national education director; a member of the editorial staff of the Daily Worker.

Q What was the Daily Worker?

A The official organ, the official daily paper of the Communist Party.

Q Is it still the official daily paper of the Communist Party?

A Yes.

Q All right. Go ahead, please.

A From the Fall of 1927 until 1930, although I was not working on it continuously, I was the head of the



W/b15

Communist Party's -- of the joint department of the Communist Party and Young Communists League for work in the armed forces of the United States. From the Fall of 1927 until 1930 and thereafter a consultant on this work, until 1942, I was national secretary of the Anti-Imperialist League in 1928 and 1929. In 1928 I was a representative of the Communist Party and Young Communists League to meetings of the executive committees of the Communist International and Young Communists International in Moscow, and while there a member of a commission to draft plans on a world scale for work in all capitalist armies in connection with the revolutionary military plans.

MR. BUCHMAN: Your Honor, I object to all this.

THE COURT: I overrule the objection so far.

MR. BUCHMAN: I want to make my grounds. On the grounds of remoteness, prior to the date of the indictment, prior to the date of the Smith Act, and prejudicial.

THE COURT: This is introductory. That is the ordinary rule, Mr. Buchman, when there is an issue of fact and the witness is called presumably with reference to that issue, of course, his testimony has to ultimately relate to that particular issue and, of course, to the time that we are concerned with here, but very frequently there are preliminary matters that have to be explained so that the witness' knowledge of the subject matter, that is, what may be material, will

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appear.

MR. BUCHMAN: Is he being proffered as an expert?

MR. ELYNN: Yes.

MR. BUCHMAN: We object to that also.

MR. FLYNN: And also he is being proffered as an expert and being qualified as one.

MR. BUCHMAN: I object to that also on the grounds that Marxism - Leninism speaks for itself. It is improper to the issues in the case.

THE COURT: You may proceed. I will overrule the objection.

MR. FLYNN: Thank you, sir.

Q (By Mr. Flynn) Now, Mr. Crouch, I think you probably were in Moscow when we stopped. Will you go on from there, please?

A While there I was a representative of the Young Communists International to the Red Army on its tenth anniversary, and I was honorary regimental commander; I was a delegate to the Frunze Academy in Moscow. On return to the United States I resumed my work in connection with infiltration into the armed forces until 1930. Then, after a leave of absence because of illness, I became an organizer of the Communist Party in Virginia from 1932 to 1933; state organizer for Utah 1933 to June, 1934; District Organizer of the Communist Party for North and South Carolina, June 1, 1934 until

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the Fall of 1937; 1938 to September of 1939 I was editor of the New South, the organ of the Communist Party for the Southern states; member of the Alabama District Bureau, Chairman of the District Control Commission during that period also.

From September, 1939 until April, 1941, I was District Organizer of the Communist Party for Tennessee; from May 1, 1941 until January, 1942, I was a member of the District Committee and District Bureau of the Communist Party for California, Nevada and the Hawaiian Islands, and at the same time County Organizer of the Party for Alameda County, California, and in the meantime I had been a delegate to national nominating conventions of the Communist Party in 1928, 1932, and delegate to the regular conventions of the Communist Party in March, 1929, April, 1934, June, 1936, May, 1938, and the Summer of 1940, a special convention in November of 1940, and during most of this period, especially from June, 1934 until 1941, I served on trade union, Negro commissions to the Central Committee of the Communist Party and attended and participated in practically all meetings of the Central Committee of the Communist Party.

These are the major positions.

MR. BUCHMAN: Before we proceed, I move that the answer be stricken as not responsive, remote and full of conclusions, and other grounds I stated, Your Honor.

w/b18

THE COURT: Overruled.

Q (By Mr. Flynn) In other words, from 1927 until 1942 you were an active officer of the Communist Party?

A I was, full time.

MR. BUCHMAN: That is an assumption on the part of Mr. Flynn in his question. It is not borne out by his previous answer.

MR. FLYNN: He did answer, now. It is borne out by his answer now. He says "yes."

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MR. BUCHMAN: My objection goes beyond that.

THE COURT: Facts with regard to the matter prior to the beginning of the time we are interested in in this indictment are merely introductory.

MR. BUCHMAN: But they come in as to all defendants and they came in prior to the date in 1945, to the enactment of the statute, and this indictment charges violation of the Smith Act and there was no Smith Act in effect.

THE COURT: I rule that what the witness has said is merely introductory to something he may later say which is relevant to the case.

MR. BUCHMAN: I note an objection.

Q (By Mr. Flynn): Mr. Crouch, you say you met Mr. Frankfeld in 1927 at a meeting of the National Committee of the Young Communists League in New York?

A Correct.

Q Can you please tell us a little bit in more detail about the Young Communists League. I think you said it was dominated by the Communist Party, but tell us what control did the Communist Party have over the Young Communists League.

MR. BUCHMAN: I object to the question as leading and it assumes facts not proven.

THE COURT: The objection as a leading question

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is overruled. Go ahead.

Q (Mr. Flynn): Answer the question.

A The Young Communists League was a nation-wide organization of Communist youth under the political supervision and guidance of the Communist Party, and the Young Communists League was a section of the Young Communists Internationale with headquarters in Moscow, which was under the supervision of the Communist Internationale, with which the Communist Party of the U. S., was affiliated.

Q At these meetings, did you see Mr. Frankfeld any time subsequent to this first meeting in October, I think you said in 1927.

A I saw Mr. Frankfeld almost daily. We worked in the same office together. We met at bureau meetings once a week and sometimes more frequently from the time we met until I left for the Civic Union, and when I came back from the Civic Union in May, 1928, we continued to meet weekly at the bureau and worked much of the time in the same office throughout the remainder of 1928 and remainder of 1929 until the 24th of October, 1929, when Mr. Frankfeld was released from the Bureau of the Young Communists League for full time work with the Communist Party.

Q During this period you have described, what

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work were you doing and if you were doing it with Mr. Frankfeld, tell us?

A My chief work in this period was the directing of plans and the carrying out of plans as head of the Joint Department of the Young Communists League, for infiltration of the armed forces of the United States.

MR. BUCHMAN: I object because of no foundation being laid. It is a conclusion on his part. We don't know who, when or who was present.

THE COURT: The objection is overruled.

Q (By Mr. Flynn): Now then, when you say "Infiltration of the armed forces, Mr. Crouch, will you tell us a little more in detail what you mean by infiltration of the armed forces?

A By infiltration of the armed forces, I mean that we were sending Communists, members of the Communist Party, and the Young Communists League -

MR. BUCHMAN: May I ask when this took place?

THE COURT: Overruled. Go ahead.

A First of all, in the fall of 1927, Mr. Frankfeld and I and the other members of the District Bureau, Herbert Zamm, John Williamson and the others were making a draft plan for this work, together with a representative of Moscow, Mr. Nassonov.

Q (By Mr. Flynn): Mr. Nassonov, you/was a say

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representative of Moscow. Will you tell us a little bit more about who he was and what he was doing in the United States?

MR. BUCHMAN: I object on the same ground stated.

THE COURT: Overruled.

A He was here as a representative of the Russian Communists, Young Communists Internationals, to see that the American Communist youth carried out the Moscow line.

MR. BUCHMAN: I object.

THE COURT: Your objection is overruled.

A And together with Mr. Nasonov, who was known here in the United States -

MR. BUCHMAN: I object, known to whom. It is a conclusion.

THE COURT: Your objection is overruled. You will have the opportunity to cross-examine him at the appropriate time if you think it important. Go ahead, Mr. Flynn.

Q (By Mr. Flynn): Go ahead, please.

A He was known to the general membership, except the top leaders, as "Charlie". He met with Mr. Frankfeld, myself and other members in working out a general prospective for this work, but he said this would have to be taken up with Moscow and I was assigned to go to Moscow to meet



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with the General Staff of the Russian Army and top leadership of the Communists Internationale.

THE COURT: Who said that?

THE WITNESS: Mr. Nassonov, the representative, said to me and to Mr. Frankfeld and other members of the Bureau that I should go to Moscow for this purpose.

THE COURT: The reason I asked that question is, the conversations with Mr. Nassonov, unless they relate to Mr. Frankfeld, seem to be immaterial at the moment.

MR. BUCHMAN: May I state again that the witness is testifying in the form of a running narrative without giving time and place and who said what.

THE COURT: That is a function of cross-examination, Mr. Buchman. You can pick that up and ask for that on cross-examination.

MR. BUCHMAN: But the evidence isn't admissible unless a foundation is laid.

THE COURT: You may proceed, Mr. Flynn.

MR. FLYNN: Thank you, sir.

Q Did I understand you to say that you and Mr. Frankfeld and others were working on a plan? That was the work you were doing at this office where you and he were associated together, I believe.

A In the months of October and November, 1927, is what we were doing.

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Q You also suggested that you - or it was suggested to you that you go to Moscow. Did you go to Moscow?

A I did.

Q Who sent you to Moscow?

A The Communist Party and Young Communists League.

MR. BUCHMAN: I make the same objection. It is a conclusion.

THE COURT: Go ahead.

MR. BUCHMAN: May I have a ruling?

THE COURT: Overruled.

Q (By Mr. Flynn): When you say you were sent there, who paid your expenses?

A I was furnished by the National Office of the Communist Party with the funds for the expenses for the trip and the fare was arranged through AMTORG, the Soviet Government Trading Bureau, aboard an Italian freighter chartered by the Soviet Government.

Q When did you get to Moscow?

A Around Christmas, 1927.

Q When you got to Moscow, what did you do?

A Well, I -

Q Before you do that. After you got to Moscow, who paid your expenses there?

A My expenses from the time I arrived in the Soviet

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Union until I got to Moscow were taken care of by the Communist Party of the Soviet Union, until I got to Moscow and the Communist Internationale took care of my stay in the Soviet Union and they furnished free transportation and my stay at the Hotel Lux, a hotel operated by the Communist Internationale.

Q By the Communist Internationale, very briefly tell us who is the Communist Internationale, just for the purpose of the record.

MR. BUCHMAN: I object. A conclusion is asked for.

THE COURT: I would say, Mr. Bushman, for the benefit of you and your fellow counsel, as far as I see to the present time, this evidence that the witness is giving is material to this case only in the sense that it tends, if the jury accepts it, to show that he was familiar with the Communist Party in the United States and in Russia and he is now referring to the Communist Internationale with headquarters in Moscow. All that has nothing particularly to do with this case except insofar as it tends to show, if the jury accepts it, that the witness was quite familiar with the Communist Party, not only in America but in Russia, and for that purpose only I think it is admissible, but for that purpose, I think it is admissible to show what this witness knows about it.

Now, later on, I suppose, just guessing from experience in prior cases, not of this kind, as to the probable evidence, later on very possibly the Government is going to ask this witness some questions with regard to the defendants or one of them or all of them at the time we are interested in here. Until that is done, of course, the evidence is not very material to the case nor prejudicial to you. Go ahead.

MR. FLYNN: If Your Honor please, if I may make our position particularly clear, this evidence is also being put in to show what the Communist Party in the United States was prior to 1944, at the time of its dissolution, and it is one of main reasons for putting it in, to show just what the party was. As I said in my opening statement, it was dissolved in 1944 and re-enacted in 1945 exactly as it was prior to 1944.

THE COURT: I recollect that in your opening statement. I think it is proper to show what the history of the Communist Party has been in the United States but, of course, we are interested in the period from 1945 on.

MR. BUCHMAN: The witness himself testified he left the Communist Party in 1942, so even under Mr. Flynn's definition -

THE COURT: Go ahead.

MR. BASSETT: If Your Honor please, when passing on what Mr. Flynn most recently said, I would to

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ask you to sustain the objection on the basis that it is not only remote but extremely remote and includes material which is extremely prejudicial.

THE COURT: Why is it prejudicial?

MR. BASSETT: Because of its inflammatory nature, the phrase "infiltrate the army of the United States", I should think is inflammatory. It would be inflammatory to me.

THE COURT: Of course, I don't want to make any comment on the evidence as it comes out, because it is for the jury to assimilate it and evaluate it and to appraise it. I won't say any more in that connection.

Do I understand that there is no working agreement between counsel in the case that one is to control the objections to evidence on behalf of all, or am I to be saved any number of objections being made to any one witness?

MR. WRIGHT: May it please the Court, the statement before, as I understand, was that when one counsel objects, it may follow that other counsel may have some further and additional objection to a pending question and object to it on other grounds.

THE COURT: If that is right, Mr. Wright, I will say I had a misunderstanding. I thought you were, for the purpose of not wasting time of the court or jury, delegat-

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ing to one of your number the duty of speaking for all with regard to objections to evidence. If, however, you are right, that there is one for all every time one objects and every single one could also object, then I think I can not accept the one for all.

I think it would be very desirable, gentlemen, if you can agree among yourselves, who would examine or cross-examine or deal with the evidence of one particular witness.

Now, if in doing that, there is some material thing that is overlooked by the one lawyer material to some one defendant, it is perfectly all right for that defendant or his counsel to call attention to it and to ask a question about it. We do not want to have anybody's rights unrepresented in the case fully, but it would be certainly very desirable and it seems to me for the facilitation of the case and the search for the answer to the issues of fact, whatever they are in the case, to concentrate on one attorney examining one witness, but if you have no such agreement among yourselves, I will have to deal with it as we go along the best I can, and I am sure you will try to cooperate with me in not unnecessarily duplicating words that more or less break up the continuity of evidence.

MR. WRIGHT: I would suggest to do it that way,

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but I would like to point out to Your Honor that it was my understanding that while the objections by one counsel would refer to all defendants, there may be some particular question which would involve a particular defendant and up to this time that has been the practice we have engaged in.

THE COURT: Very well, gentlemen, we will proceed.

Q (By Mr. Flynn) Mr. Crouch, on your errand to Moscow, to whom did you report?

MR. BUCHMAN: I object. It assumes a fact.

THE COURT: Overruled.

A I reported at the headquarters of the Communists Internationale just outside the Kremlin walls in Moscow.

Q Were there any people there that you met who were representing or who were Americans on the same type of mission you were, or representatives of other countries of the world at that time?

MR. BUCHMAN: I object as leading.

THE COURT: I don't hear you, Mr. Buchman.

Proceed, Mr. Flynn.

Q (By Mr. Flynn): You may answer.

A Yes, there were.

Q Briefly, tell us who they were. What other Americans did you meet there at that time?

A While I was in Moscow, I met George Mink, who

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traveled to the Soviet Union on the same boat; Sam Darcy,  
J. Louis Ingold -

Q Who was George Mink?

A George Mink was a taxicab driver from the Philadelphia waterfront, a cousin of John Lassofsky, one of Stalin's chiefs and from the time of his arrival in the Soviet Union a member and operative of the GPU, the secret police.

Q The Soviet secret police?

MR. BUCHMAN: I object to the remark and move to strike the answer as unresponsive.

THE COURT: Overruled.

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By Mr. Flynn:

Q You mentioned some other people that you mentioned were there. Would you just tell us who they were and what countries they were from?

A I did not finish. Earl Browder, Harrison George, Charles Krumbie.

Those were all Americans.

Q All Americans?

A Yes.

Q Now, were there any representatives from other countries there?

A Yes.

Q Would you name the countries, not the people, but just the countries?

A Japan, China, Great Britain, France, Germany, Latin American countries, Italy, Yugoslavia, Czechoslovakia, Poland, Turkey.

Those were some of the countries.

Q Were there --

A And India.

Q Were they there on the same mission that you were there at Moscow?

A On the same, in the sense that they were all there for the purpose of working out plans to overthrow all capitalist governments and to establish Communism.

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MR. BUCHMAN: I move to strike that out, Your Honor.

THE COURT: Well, Mr. Buchman, you say something and you have your head up but you speak down, and I do not hear you. I am willing to hear you but I do not know what you say.

MR. BUCHMAN: I hesitate with these frequent objections because of what Your Honor indicated and I don't want to be in the position of making frequent objections but I do object because the answer is not responsive to a question asked.

THE COURT: No, I do not think it is irresponsible. Of course, I again say that the testimony of the witness as given is more particularly to show his apparent familiarity with the whole program, the problem and program of the Communist Party International.

MR. BUCHMAN: I did not get the date. I don't know whether a date was mentioned. It is all so remote, and it is a conclusion and an opinion of the witness and there is no foundation, no basis for it.

THE COURT: I overrule the objection and you have an exception.

MR. BUCHMAN: Exception.

Q (BY MR. FLYNN) What was the date of this trip?

A I arrived in the Soviet Union about Christmas 1927, and I returned to the United States in May 1928.

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Q You were saying something about these representatives of the various countries, they were there for a certain purpose and you were interrupted, I believe, in the middle of your answer when Mr. Buchman objected. Would you tell us why these people were in the Soviet Union, if you know?

A They were there representing the Communist Parties of their respective countries, reporting to the leadership and the Communist International on their work, adopting plans of action to take back to their countries for the purpose of bringing about the overthrow of capitalist governments and establishing Soviet governments throughout this world.

Q Now, this plan that you and Mr. Frankfeld and others worked back, you took back to America, you took it with you to America?

A Yes.

Q Now, what if anything was done about this plan to infiltrate the armed forces that you spoke about? What was done in the country? Was there any other representatives there?

A Yes. What was done, at the meeting in the hotel room at the Lux early in January 1928 when I met Marshall Tukhavesky and two others, members of the General Staff of the Red Army where we laid plans out, and following this meeting, subsequent to the meeting with military officials, I was one of the five members of a commission set up in

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Moscow headed by Berbee, General Secretary of the Young Communist League of France, drafting a program which would embody the documents later passed by the Sixth World Congress of the Communist International, and details were made respecting the infiltration of capitalist armies and certain political aspects, that was discussed at the meeting of the Executive Committee of the Communist International embodying into the draft the theses which was submitted to the Sixth World Congress following, later that met and furnished the basis of the program of the Communist International that was incorporated in the program of the Communist International.

MR. BUCHMAN: Your Honor, I move to strike it out. It is not responsive.

THE COURT: Overruled.

Q (BY MR. FLYNN) What details of this plan -- I don't want you to be too long and don't go into detail, but what details of the plan were approved by Moscow that you brought back to this country, to the United States?

MR. BUCHMAN: I object to this as calling for a conclusion of the witness.

THE COURT: The form of the question necessarily implies that that was merely the witness' understanding of the matter. It does not relate to any evidence. It is merely in relation to the impact upon the United States.

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MR. BUCHMAN: There is no connection. There is no foundation.

Well, I am making my objection.

THE COURT: I overrule the objection.

MR. BUCHMAN: I note<sup>an</sup> exception.

THE COURT: Go ahead.

Q (BY MR. FLYNN) Would you tell us the details of the plan that you brought back from Moscow to the United States?

A So far as it relates to the United States?

Q Yes.

A That we should send a small, relatively small number of carefully selected people to join the United States Army and United States Navy for the purpose of organizing Communist cells, that we should send scores of Communists into the National Guard, into the Officers Training Corps so that we might have some in the Reserve Officers Training Corps so that during they could become officers or so that when the time came for the national struggles they would be in a position to give necessary effective military aid in the seizure of power, and that we should publish material to create dissatisfaction in the armed forces to break down morale, and that the maximum number of members of the Communist Party and the Young Communist League be given military training by going into the National Guard and the R.O.T.C., that a

certain amount of training, military training be given in Communist schools and that the amount of military training that was given American students attending the Lenin School in the use of guns, hand grenades, and military weapons that was given, given by the Red Army Officers should be increased.

MR. BUCHMAN: I move to strike out the answer, Your Honor.

THE COURT: Overruled.

Q (BY MR. FLYNN) You brought back that program with you to the United States, did you?

A I did, yes.

Q What did you do?

A Proceeded with the aid of Mr. Frankfeld and other associates or fellow members of the Communist Party and with the aid of William Z. Foster and the other members of -- Jack Stachel -- of the Central Committee of the Communist Party -- to carry them out without delay.

MR. BUCHMAN: I move to strike out the answer, Your Honor.

THE COURT: Overruled.

At the proper time when the evidence is in I will be glad to have requests for instructions with respect to what is regarded as important evidence in the case or not.

MR. BUCHMAN: May I explain my position? I want to make a motion, and I don't want to lose my position by

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failing to object to particular questions.

THE COURT: And I am trying to keep the balance even between the various points with respect to the evidence. The evidence of this witness is in relation to the Communist Party in America prior to 1943. We have heard from the opening statement of Mr. Flynn who expects to prove -- he has not proven it yet -- that in 1943, the Communist Party, based upon the conference at Teheran, at which our officials were engaged in a conference, I believe, with others representing Russia, and pursuant to that conference there was a change made in the program of the Communist Party in the United States, a change from a Revolutionary Party by force and violence.

MR. BUCHMAN: That is his statement. We disagree with that emphatically.

THE COURT: I understand, and I am stating to you what is the relevance of this question.

MR. BUCHMAN: My point is because it violates all the rules of evidence as testimony that it is not in accordance with the rules of evidence that it should be stricken.

THE COURT: Proceed, Mr. Flynn.

Q (BY MR.FLYNN) Now, while you were in Moscow did you attend any meetings of the Communist International?

A I attended meetings, many meetings of the Executive Committee of the Communist International, what we called a

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plenum, a series of full meetings of the Communist International.

Q Were you appointed to any committees at that time?

A I was. As I said before I was one of a commission of five which drew up plans for working into the armed forces and, also head of the commission to the Red Army.

Q I want to show you this book and ask you whether you can recognize it?

MR. BUCHMAN: I would like to see it.

MR. FLYNN: I will see that you see it.

MR. BUCHMAN: Are you offering it?

MR. FLYNN: I am not offering it yet. I want to ask him whether he recognizes it (handing book to the witness).

THE WITNESS: I do, yes.

MR. FLYNN: Here (handing book to Mr. Buchman).

MR. BUCHMAN: I object to this, Your Honor.

MR. FLYNN: I just had him identify it.

Q (BY MR. FLYNN) Would you tell us what this is?

A This is a document to guide the Communist Party by stating their objectives and how these objectives are to be realized which would work out in the approved form. It was worked out in the approved form by the Executive Committee of the Communist International which as I explained, it was adopted by the Sixth World Congress held later the same year, and since that time has been a guiding program of the World



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Communist Movement.

MR. FLYNN: I would like to offer it in evidence, if Your Honor please.

THE COURT: What particular part of it, Mr. Flynn?

MR. FLYNN: Your Honor, I want to offer the whole of it and then I would like to call the witness' particular attention to pages 34 to 39.

MR. BUCHMAN: I want to note an objection to that document or booklet.

THE COURT: I do not hear you.

MR. BUCHMAN: I want to note my objection to the admission of the document on the ground first that under the first amendment the free publication of all documents, and secondly the remoteness. The Sixth World Congress has ended, and there was a Seventh World Congress.

THE COURT: Mr. Buchman, I would think your objection as to remoteness would be probably good were it not for the fact that the Government has undertaken in its opening statement to say that the formula or the program of the Communist Party prior to 1943 was revolutionary in nature, while in 1943 under the guidance of Earl Browder a change in the plan was made from revolutionary in the sense of real armed revolution to diplomatic, as outlined by Mr. Flynn.

Of course, we have not had any evidence as to that yet, and that in 1945 after the termination of the war with

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Germany there was a reversion by the American Communist Party to the program of revolutionary activities if necessary.

Now, I know nothing about that and I am only making this statement because that is what the Government is expecting or hoping to prove or intends to prove in this case as to the relevancy of this evidence to wit, that the Government offers to prove that the program of the American Communist Party now, today at this time or within the purview of the time in this indictment is the same now as it was prior to 1943.

Now, this document, as I understand it, is prior to 1943?

MR. BUCHMAN: Prior to 1935.

THE COURT: And you understand, unless and until you have evidence of that, members of the jury, it is not for you to believe or accept, until you have that evidence available.

MR. BUCHMAN: May I state the grounds for the objection or have they been covered?

THE COURT: I think I have heard them and I overrule the objection for the reasons I stated.

MR. BUCHMAN: May it please the Court, can we have the identification of the publication date, the publisher, and so on?

THE COURT: I still haven't heard your question.

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You said something about publisher or something of that sort.

MR. BASSETT: I wonder if it might be asked of this particular document that we be given the literary publication, the name of the publisher, the date of the publication, and so on in all these documents?

THE COURT: Yes, certainly, certainly.

MR. FLYNN: May it please the Court, I might say that the name here on the book is "Program of the Communist International, Workers of the World, Unite."

MR. BUCHMAN: Is that the same copy the witness has?

MR. FLYNN: The same copy the witness has.

MR. BUCHMAN: No, it is not.

MR. FLYNN: Why not? What's wrong?

MR. BUCHMAN: I don't see that on the frontispiece.

MR. FLYNN: There, "Workers of the World, Unite".

There it is.

MR. BUCHMAN: We didn't have a copy of this.

MR. FLYNN: I showed you a copy, Mr. Buchman, which was used by the Grand Jury, and you went all over that.

Now, it was published in 1936 by Workers Library Publishers of New York City.

MR. BASSETT: How many pages are there?

MR. FLYNN: In the book there are 94 pages not including the index and library of Marxist material.

THE COURT: Now, what part of the book do you want

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to put in evidence, Mr. Flynn?

MR. FLYNN: Pages 34 to 39, sir, and 53 to 55, and 64 to 67, and 76 and 77.

MR. BUCHMAN: Is that the Sixth or Seventh World Congress?

MR. FLYNN: What?

MR. BUCHMAN: Is that the Sixth or Seventh World Congress, or do you know?

MR. FLYNN: I don't know, Mr. Buchman. It says that the book was published in 1936. I am not up on these meetings.

Q (BY MR. FLYNN) Do you know whether it is the Sixth or Seventh? You are the expert.

A It is published after -- this edition is published in 1936 after the Seventh World Congress because the Seventh World Congress did not adopt any new program. That is the only thing they had.

MR. BUCHMAN: I move to strike out the answer.

MR. FLYNN: Well, you asked the question and you have your answer. He answered it.

THE COURT: Overruled.

Q (BY MR. FLYNN) Would you read that?

MR. FLYNN: May I continue, Your Honor?

THE COURT: What?

MR. FLYNN: May I proceed?

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THE COURT: Yes.

MR. FLYNN: Thank you very much.

Q (BY MR. FLYNN) On page 34, that is Chapter 4. What is the heading there?

A It is headed "The Period of Transition from Capitalism to Socialism and the Dictatorship of the Proletariat."

Q Would you please read that first part. What is the subdivision?

A The first subdivision?

Q The first subdivision.

A The first subdivision is "The Transition Period and the Conquest of Power by the Proletariat."

Q Would you read that please?

A "Between capitalist society and communist society a period of revolutionary transformation intervenes, during which the one changes into the other. Correspondingly, there is also an intervening period of political transition, in which the essential state form is the revolutionary dictatorship of the proletariat. The transition from the world dictatorship of imperialism to the world dictatorship of the proletariat extends over a long period of proletarian struggles with defeats as well as victories; a period of continuous general crisis in capitalist relationships and the maturing of social-

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1st revolutions, i.e., of proletarian civil wars against the bourgeoisie; a period of national wars and colonial rebellions which, although not in themselves revolutionary proletarian socialist movements, are nevertheless, objectively, insofar as they undermine the domination of imperialism, constituent parts of the world proletarian revolution; a period in which capitalist and socialist economic and socialisms exist side by side in peaceful -- and the word "peaceful" is in quotation marks -- peaceful relationships as well as in armed conflict, a period of formation of a Union of Soviet Republics; a period of wars of imperialist states against Soviet states; a period in which the ties between the Soviet states and colonial peoples become more and more closely established, etc.

"Uneven economic and political development is an absolute law of capitalism. This unevenness is still more pronounced and acute in the epoch of imperialism. Hence, it follows that the international proletarian revolution cannot be conceived as a single event occurring simultaneously all over the world; at first socialism may be victorious in a few, or even in one single capitalist country.

Every such proletarian victory, however, broadens the basis of the world revolution and, consequently, still further intensifies the general crisis of capitalism. Thus, the capitalist system as a whole reaches the point of its final collapse; the dictatorship of finance capital perishes and gives place to the dictatorship of the proletariat.

"Bourgeois revolutions brought about the political liberation of a system of productive relationships that had already established itself and become politically dominant, and transferred political power from the hands of one class of exploiters to the hands of another. Proletarian revolution, however, signifies the forcible invasion of the proletariat into the domain of property relationships of bourgeois society, the expropriation of the expropriating classes, and the transference of power to a class that aims at the radical reconstruction of the economic foundations of society and the abolition of all exploitation of man by man. The political domination of the feudal barons was broken all over the world as the result of a series of separate bourgeois revolutions that extended over a period of centuries. The international proletarian revolution, however, although

it will not be a single simultaneous act, but one extending over a whole epoch, nevertheless -- thanks to the closer ties that now exist between the countries of the world -- will accomplish its mission in a much shorter period of time. Only after the proletariat has achieved victory and consolidated its power all over the world will a prolonged period of intensive construction of world socialist economy set in.

"The conquest of power by the proletariat is a necessary condition precedent to the growth of socialist forms of economy and to the cultural growth of the proletariat, which transforms its own nature, perfects itself for the leadership of society in all spheres of life, draws into this process of transformation all other classes and thus prepares the ground for the abolition of classes altogether.

"In the struggle for the dictatorship of the proletariat, and later for the transformation of the social system, as against the alliance of capitalists and landlords, an alliance of workers and peasants is formed, under the intellectual and political hegemony of the former, an alliance which serves as the basis for the dictatorship of



the proletariat.

"The characteristic feature of the transition period as a whole, is the ruthless suppression of the resistance of the exploiters, the organization of socialist construction, the mass training of men and women in the spirit of socialism and the gradual disappearance of classes. Only to the extent that these great historical tasks are fulfilled will society of the transition period become transformed into communist society.

"Thus, the dictatorship of the world proletariat is an essential and vital condition precedent to the transition of world capitalist economy to socialist economy. This world dictatorship can be established only when the victory of socialism has been achieved in certain countries or groups of countries, when the newly established proletarian republics enter into a federative union with the already existing proletarian republics, when the number of such federations has grown and extended also to the colonies which have emancipated themselves from the yoke of imperialism; when these federations of republics have finally grown into a World Union of Soviet socialist republics uniting the whole of mankind under the hegemony of the international proletariat organized as a state.

W/bl  
O-1

"The conquest of power by the proletariat does not mean peacefully 'capturing'" --

The "capturing" is in quotation.

"-- the ready-made bourgeois state machinery by means of a parliamentary majority. The bourgeoisie resorts to every means of violence and terror to safeguard and strengthen its predatory property and its political domination. Like the feudal nobility of the past, the bourgeoisie cannot abandon its historical position to the new class without a desperate and frantic struggle. Hence, the violence of the bourgeoisie can be suppressed only by the stern violence of the proletariat. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus (bourgeois armies, police, bureaucratic hierarchy, the judiciary, parliaments, etc), and substituting in its place new organs of proletarian power, to serve primarily as instruments for the suppression of the exploiters."

Q Now, then, will you go to page 53, please?

MR. BUCHMAN: Your Honor, I wonder if I could get a copy. We were not given a list here yesterday of what had to be had here, and I was simply not able to follow him at all. I wonder if we could get a copy from the prosecution?

THE COURT: What is it you are asking?

W/b2

MR. BUCHMAN: Your Honor was asking that we be guarded against surprise. I was not given a copy of this yesterday. I was just given a copy of some other piece of material, and I have no way of following it.

THE COURT: Do you mean to say you want a copy of this piece of paper?

MR. BUCHMAN: I would like to see what he is reading.

THE COURT: Yes, surely, Mr. Green, you handed yours up to me.

MR. GREEN: Yes, sir.

THE COURT: There is no reason why you cannot give it to the other side.

MR. GREEN: There is no reason why we cannot. However, I passed it up so Your Honor could follow what this witness was reading.

THE COURT: I think the last paragraph that the witness read is the most significant of all that I heard yet.

MR. BUCHMAN: I object to that, Your Honor. I think they are singling out the evidence by way of comment.

THE COURT: Very well. I do not wish to make any emphasis on it. It speaks for itself, I think. Go ahead.

Q (By Mr. Flynn) Would you read that last paragraph again, Mr. Crouch, please? That is on page 36.

MR. BUCHMAN: I object to that, Your Honor, reading that a second time.

W/b3

THE COURT: Never mind.

Q (By Mr. Flynn) All right. Will you go, now, to page 53, please?

A What part?

Q Starting at the bottom of the page there, the last paragraph on the bottom of the page, page 53, starting, "One of the most important tasks."

A "One of the most important tasks of the cultural revolution affecting the wide masses is the task of systematically and unswervingly combating religion -- the opium of the people."

The word "religion" is in italics.

"The proletarian government must withdraw all state support from the church, which is the agency of the former ruling class; it must prevent all church interference in state-organized educational affairs, and ruthlessly suppress the counter-revolutionary activity of the ecclesiastical organizations. At the same time, the proletarian state, while granting liberty of worship and abolishing the privileged position of the formerly dominant religion, carries on anti-religious propaganda with all the means at its command and reconstructs the whole of its educational work on the basis of scientific materialism."

Q Just keep on.

W/b4

A "8. The Struggle for the World Dictatorship of the Proletariat and the Principal Types of Revolutions.

"The international proletarian revolution represents a combination of processes which vary in time and character: purely proletarian revolutions; revolutions of a bourgeois-democratic type which grow into proletarian revolutions; wars for national liberation; colonial revolutions. The world dictatorship of the proletariat comes only as the final result of the revolutionary process.

"The uneven development of capitalism, which became more accentuated in the period of imperialism, has given rise to a variety of types of capitalism, to different stages of ripeness of capitalism in different countries, and to a variety of specific conditions of the revolutionary process. These circumstances make it historically inevitable that the proletariat will come to power by a variety of ways and degrees of rapidity; that a number of countries must pass through certain transition stages leading to the dictatorship of the proletariat and must adopt varied forms of socialist construction.

"The variety of conditions and ways by which the proletariat will achieve its dictatorship in the various countries may be divided schematically into three main

W/b5

types.

"Countries of highly developed capitalism 'United States of America, Germany, Great Britain, etc', having powerful productive forces," --

THE COURT: Read that more slowly, please, sir.

THE WITNESS: "Countries of highly developed capitalism (United States of America, Germany, Great Britain, etc), having powerful productive forces, highly centralized production, with small-scale production reduced to relative insignificance, and a long established bourgeois-democratic political system. In such countries the fundamental political demand of the program is direct transition to the dictatorship of the proletariat. In the economic sphere, the most characteristic demands are: expropriation of the whole of large-scale industry; organization of a large number of state Soviet farms and, in contrast to this, a relatively small portion of the land to be transferred to the peasantry; unregulated market relations to be given comparatively small scope; rapid rate of socialist development generally, and of collectivization of peasant farming in particular."

Q Now, will you go to page 64, please?

MR. BUCHMAN: What was that last page?

MR. FLYNN: That last page was 53 to 55.

W/b6

A "2. The Significance of the U.S.S.R. and its International Revolutionary Duties."

Q Now, Mr. Crouch, I am afraid maybe you are a little bit too fast. Slow down just a little bit if you will, please.

A "Having defeated Russian imperialism and liberated all the former colonies and oppressed nations of the tsarist empire, and systematically laying a firm foundation for their cultural and political development by industrializing their territories; having guaranteed the juridical position of the Autonomous Territories, Autonomous Republics and Federated Republics in the Constitution of the Union and having realized in full the right of nations to self-determination -- the dictatorship of the proletariat in the U.S.S.R. has thereby secured, not only formal, but also real equality for the different nationalities of the Union.

"As the land of the dictatorship of the proletariat and of socialist construction, the land of great working class achievements, of the union of the workers with the peasants and of a new culture marching under the banner of Marxism, the U.S.S.R. inevitably becomes the base of the world movement of all oppressed classes, the center of international revolution, the greatest factor in world history. In the U.S.S.R., the world proletariat

W/b7

for the first time has acquired a country that is really its own, and for the colonial movements the U.S.S.R. becomes a powerful center of attraction.

"Thus, the U.S.S.R. is an extremely important factor in the general crisis of capitalism, not only because it has dropped out of the world capitalist system and has created a basis for a new socialist system of production, but also because it plays an exceptionally great revolutionary role generally; it is the international driving force of proletarian revolution that impels the proletariat of all countries to seize power; it is the living example proving that the working class is not only capable of destroying capitalism, but of building up socialism as well; it is the prototype of the fraternity of nationalities in all lands united in the world union of socialist republics and of the economic unity of the toilers of all countries in a single world socialist economic system that the world proletariat must establish when it has captured political power.

"The simultaneous existence of two economic systems-- the socialist system in the U.S.S.R., and the capitalist system in other countries -- imposes on the proletarian state the task of warding off the blows showered upon it by the capitalist world (boycott, blockade, etc). This also compels it to resort to economic maneuvering and to



W/b8

utilize the economic contacts with the capitalist countries (with the aid of the monopoly of foreign trade, which is one of the fundamental conditions for the successful building up of socialism, and also with the aid of credits, loans, concessions, etc.). The principal and fundamental line to be followed in this connection must be the line of establishing the widest possible contact with foreign countries -- within limits determined by their usefulness to the U.S.S.R., i.e., primarily for strengthening industry in the U.S.S.R., for laying the base for its own heavy industry and electrification and finally, for the development of its own socialist machine manufacturing industry. Only to the extent that the economic independence of the U.S.S.R. from the encircling capitalist world is secured can solid guarantees be obtained against the danger that socialist construction in the U.S.S.R. may be destroyed and that the U.S.S.R. may be transformed into an appendage of the world capitalist system.

"On the other hand, notwithstanding their interest in the markets of the U.S.S.R., the capitalist states continually vacillate between their commercial interests and their fear of the growth of the U.S.S.R., which means the growth of the international revolution. However, the principal and fundamental tendency in the policy of the

W/b9

is  
 imperialist powers, to encircle the U.S.S.R. and to  
 conduct counter-revolutionary war against her in  
 order to strangle her and to establish a world bourgeois  
 terrorist regime."

Q I did not understand that last, Mr. Crouch. Will  
 you read that last again, beginning with "however"?

A "However, the principal and fundamental tendency in  
 the policy of the imperialist powers is to encircle the  
 U.S.S.R. and to conduct counter-revolutionary war  
 against her in order to strangle her and to establish a  
 world bourgeois terrorist regime.

"The systematic imperialist attempts politically  
 to encircle the U.S.S.R. and the growing danger of an  
 armed attack upon her, do not, however, prevent the  
 Communist Party of the Soviet Union -- a section of the  
 Communist International and the leader of the proletarian  
 dictatorship in the U.S.S.R. -- from fulfilling its  
 international obligations and from rendering support to  
 all the oppressed, to the labor movement in the  
 capitalist countries, to the colonial movements against  
 imperialism and to the struggle against national  
 oppression in every form.

"3. The Duties of the International Proletariat to  
 the U.S.S.R.

"In view of the fact that the U.S.S.R. is the only

W/b10

fatherland of the international proletariat, the principal bulwark of its achievements and the most important factor for its international emancipation, the international proletariat must on its part facilitate the success of the work of socialist construction in the U.S.S.R. and defend it against the attacks of the capitalist powers by all the means in its power.

"The world political situation has made the dictatorship of the proletariat an immediate issue, and all the events of world politics are inevitably concentrating around one central point, namely, the struggle of the world bourgeoisie against the Soviet Russian Republic, which must inevitably group around itself the Soviet movements of the advanced workers of all countries on the one hand, and all the national liberation movements of the colonial and oppressed nationalities on the other." (Lenin.)

"In the event of the imperialist states declaring war" --

Q Does it quote something from Lenin?

A Yes.

Q Go ahead.

A "In the event of the imperialist states declaring war upon and attacking the U.S.S.R., the international proletariat must retaliate by organizing bold and

W/bll

determined mass action and struggling for the overthrow of the imperialist governments a with the slogan of: Dictatorship of the Proletariat and Alliance with the U.S.S.R.

"In the colonies, and particularly the colonies of the imperialist country attacking the U.S.S.R., every effort must be made to take advantage of the diversion of the imperialist military forces to develop an anti-imperialist struggle and to organize revolutionary action for the purpose of throwing off the yoke of imperialism and of winning complete independence.

"The development of socialism in the U.S.S.R. and the growth of its international influence not only rouse the hatred of the capitalist states and the Social-Democratic agents against it, but also inspire the toilers all over the world with sympathy towards it and stimulate the readiness of the oppressed classes of all countries to fight with all the means in their power for the land of the proletarian dictatorship, in the event of an imperialist attack upon it.

"Thus, the development of the contradictions within modern world economy, the development of the general capitalist crisis, and the imperialist military revolutionary outbreak which must overwhelm capitalism in a number of the so-called civilized countries, unleash

W/b12

the victorious revolution in the colonies, broaden the base of the proletarian dictatorship to an enormous degree and thus, with tremendous strides, bring nearer the final world victory of socialism."

Q Now, will you go to page 76, please, and start with No. 2, please?

A "2. The Fundamental Tasks of Communist Strategy and Tactics

"The successful struggle of the Communist International for the dictatorship of the proletariat presupposes the existence in every country of a compact Communist Party, hardened in the struggle, disciplined, centralized, closely linked up with the masses.

"The Party is the vanguard of the working class and consists of the best, most class-conscious, most active, and most courageous members of that class. It incorporates the whole body of experience of the proletarian struggle. Basing itself upon the revolutionary theory of Marxism and representing the general and lasting interests of the whole of the working class, the Party personifies the unity of proletarian principles, of proletarian will and of proletarian revolutionary action. It is a revolutionary organization, bound by iron discipline and strict revolutionary rules of democratic centralism, which can be carried out thanks to the class-consciousness of the proletarian

W/b13

vanguard, to its loyalty to the revolution, its ability to maintain unbreakable ties with the proletarian masses and to its correct political leadership, which is constantly verified and clarified by the experiences of the masses themselves.

0-2

"In order that it may fulfill its historic mission of achieving the dictatorship of the proletariat, the Communist Party must first of all set itself and accomplish the following fundamental strategic aims: --"

Q I don't think we want to go any further than that.

Incidentally, in there, Mr. Creuch, I notice you read something referring to democratic centralism. Now, is that a particular phrase that has a peculiar meaning when used in Communist literature?

A Yes, it is a phrase constantly used with a special meaning in Communist literature.

Q What is the meaning?

A "Democratic centralism" as is used by the Party means the subordination of all Party bodies to the higher body. Theoretically it involves the election of Party committees, either by membership or by delegates. It involves theoretically discussion until a particular decision has been made, but once a decision has been made everyone must comply with it and carry it out even though they disagree, and in practice it means that every Party organization carries out the decisions of the Party

W/b14

committee, the Party body above it.

Q Without question?

A Yes.

MR. WRIGHT: Just a moment, please. Your Honor, at this time I would like to move to strike this answer on the ground that there has not been sufficient evidence that this man is a complete expert and can explain everything away that purportedly has been introduced in this book.

THE COURT: To the extent that I heard you, Mr. Wright, your objection is overruled.

Q (By Mr. Flynn) Turn to page 80, please.

A Page what?

Q Page 80, the last paragraph on page 80, please.

A "In the event of a revolutionary upsurge, if the ruling classes are disorganized, the masses are in a state of revolutionary ferment and the intermediary strata are inclining towards the proletariat, if the masses are ready for action and for sacrifice, the Party of the proletariat is confronted with the task of leading the masses to a direct attack upon the bourgeois state. This it does by carrying on propaganda in favor of increasingly radical transitional slogans (for Soviets, workers' control of industry, for peasant committees for the seizure of the big landed properties, for disarming the bourgeoisie and arming the proletariat, etc.), and by

w/b15

organizing mass action, upon which all branches of the Party agitation and propaganda, including parliamentary activity, must be concentrated. This mass action includes: a combination of strikes and demonstrations; a combination of strikes and armed demonstrations and finally, the general strike conjointly with armed insurrection against the state power of the bourgeoisie. The latter form of struggle, which is the supreme form, must be conducted according to the rules of military science; it presupposes a plan of campaign, offensive fighting operations and unbounded devotion and heroism on the part of the proletariat. An absolutely essential prerequisite for this form of action is the organization of the broad masses into militant units, which, by their very form, embrace and set into action the largest possible numbers of toilers (Councils of Workers' Deputies, Soldiers' Councils, etc.), and intensified revolutionary work in the army and the navy.

Q All right. Now, will you look at page 84, beginning about in the middle of the second paragraph? Begin with "The fundamental slogans of the Communist" --

A "The fundamental slogans of the Communist International in this connection must be the following: Convert imperialist war into civil war; defeat 'your own' imperialist government; defend the U.S.S.R. and the



W/b16

colonies by every possible means in the event of imperialist war against them. It is the bounden duty of all Sections of the Communist International, and of every one of its members, to carry on propaganda for these slogans, to expose the 'socialistic' sophisms and the 'socialist' camouflage of the League of Nations and constantly to keep to the front the experiences of the war of 1914-1918.

"In order that revolutionary work and revolutionary action may be coordinated and in order that these activities may be bound by international class discipline, for which, first of all, it is most important to have the strictest international discipline in the Communist ranks.

"The international Communist discipline must find expression in the subordination of the partial and local interests of the movement to its general and lasting interests and in the strict fulfillment, by all members, of the decisions passed by the leading bodies of the Communist International.

"Unlike the Social-Democratic, Second International, each section of which submits to the discipline of 'its own' national bourgeoisie and of its 'fatherland', the Sections of the Communist International submit to only one discipline, viz., international proletarian discipline, which guarantees victory in the struggle of the world's

W/d17

workers for world proletarian dictatorship. Unlike the Second International, which splits the trade unions, fights against colonial peoples, and practices unity with the bourgeoisie, the Communist International is an organization that guards proletarian unity in all countries and the unity of the toilers of all races and all peoples in their struggle against the yoke of imperialism.

"Despite the bloody terror of the bourgeoisie, the Communists fight with courage and devotion on all sectors of the international class front, in the firm conviction that the victory of the proletariat is inevitable and cannot be averted.

"The Communists disdain to conceal their views and aims. They openly declare that their aims can be attained only by the forcible overthrow of all the existing social conditions. Let the ruling class tremble at a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win.

"Workers of all countries, unite!"

O W/b1

MR. BUCHMAN: What was the quotation from?

MR. FLYNN: It was in there in the italics. It is part of the same thing. It does not give credit to anybody.

Q (By Mr. Flynn) Who does credit go to, you or Frankfeld?

MR. BUCHMAN: I object to that.

THE WITNESS: It goes to Karl Marx and Frank Engels, who wrote this in the Communist International Manifesto.

MR. FLYNN: I don't think this has been offered.

THE COURT: To what extent is the program of the Communist International the program of the National Communist Party since 1945?

Q (By Mr. Flynn) Did you hear His Honor's question?

A Yes.

Q Will you answer that, please?

A It has remained consistently and throughout and until the present moment the program of the world Communist Party movement, the program of the Communist Party of the United States to this very moment.

MR. WRIGHT: I would like to object to that, Your Honor. This witness stated that he withdrew from the Party in 1942. Now, what the present status of the Party is cannot be testified to by this witness.

THE COURT: It has been suggested, Mr. Crouch, that you are not aware or familiar with the program of the American

Wb2

Communist Party as of, say, 1945 through 1951. Are you aware of it?

THE WITNESS: I am thoroughly aware of it. My work has required me to be daily aware of it and to read all the Communist publications. It is connected with my work.

Q (By Mr. Flynn) Incidentally, what is your work? What do you do for a living?

A I am a consultant of the Immigration and Naturalization Service.

Q Of the United States Government?

MR. WRIGHT: I would still move that the answer be stricken because he has not indicated that he is an expert. Simply because he works for the Immigration Bureau, anybody can have a job and state what he has read concerning this organization. He has not stated that he is an expert on that basis.

THE COURT: The objection is overruled.

MR. ELYNN: If the Court please, I would like to have this marked, please.

THE CLERK: Government Exhibit No. 1.

(Thereupon the document above referred to was marked Government Exhibit No. 1.)

MR. BUCHMAN: Your Honor, I don't know whether the record records my objection to the admission of the exhibit?

THE COURT: I do not know either.

W/b3

MR. BUCHMAN: I make the objection now, Your Honor.

THE COURT: I do not know what the grounds of the objection are.

MR. BUCHMAN: On the ground that reading excerpts from it distorts its meaning. It is superficial, prejudicial, hearsay, and there are others, other grounds.

THE COURT: To the extent that reading portions of it distorts the meaning of it, the objection is overruled. This book is written in the English language, and it is clear enough, I think. If you have other extracts from it and you give a different meaning to the extracts than these extracts which have been read, or if you have other data which shows that is a mistake you will be privileged to do that.

0-2

MR. BUCHMAN: We can do that, but it reduces the case to a battle of quotations.

THE COURT: To the extent that what was read distorts the meaning, I will overrule the objection.

MR. BUCHMAN: I also object to its remoteness, Your Honor.

THE COURT: Well, I think it is relevant to this case.

Go ahead, Mr. Flynn.

Q (By Mr. Flynn) Now, Mr. Crouch, I would like to ask you if you can identify that pamphlet?

A I can.

w/b4

MR. FLYNN: Now, if Your Honor please, this is a photostatic copy, and the reason we have a photostatic copy is because the original is one that has to be transferred to another jurisdiction immediately, and I want to ask, first of all;

Q (By Mr. Flynn) Have you compared these two, this photostat with this original, and is this an exact copy of the original?

A It is.

Q You have compared it?

A I have.

MR. FLYNN: If the Court please, I would like to have the right to use this photostat, or at least to introduce the original and have the photostat substituted.

THE COURT: I do not know what this is.

MR. FLYNN: This book is called "The Struggle Against Imperialist War and the Task of the Communists." It is a resolution of the Sixth World Congress, and I want Mr. Grouch now to read certain portions of it, but we have the problem now of having a photostat which we would like to put in evidence instead of the original.

THE COURT: Is the pamphlet in very scarce production, or reproduction?

MR. FLYNN: Yes, it is, apparently.

MR. BUCHMAN: So scarce we have no copy of it, Your

w/b5

Honor.

THE COURT: Where did you get it, Mr. Flynn?

MR. FLYNN: Well, sir, this book has been used by certain other sections -- it is not your book, is it?

THE WITNESS: No.

MR. FLYNN: It has been used in other jurisdictions, sir, and we have had it photostated so that it can be used in other jurisdictions, to be very frank.

THE COURT: What is it you ask permission to have the witness read? Excerpts from it?

MR. FLYNN: Yes, sir.

THE COURT: And instead of filing it as an exhibit in the case you want to file a photostatic copy of it?

MR. FLYNN: Yes, sir.

THE COURT: Do you know that it is a correct photostatic copy of it?

MR. FLYNN: Yes, sir. Mr. Crouch says it is.

THE COURT: Is the photostatic copy legible?

MR. FLYNN: Yes, sir, very legible.

THE COURT: Very well. Then, I see no objection to it.

Did you say you were now in the United States Immigration Service?

THE WITNESS: I am a consultant for the U. S. Immigration and Naturalization Service, that is correct.

W/b6

THE COURT: Immigration and Naturalization?

THE WITNESS: That is correct.

THE COURT: Headquarters where?

THE WITNESS: Washington, D. C.

THE COURT: You are now an employe of the Government of the United States?

THE WITNESS: Yes, I am.

THE COURT: For how long have you been?

THE WITNESS: I have been an employe of the Government of the United States full time since August of last year, and prior to that I have been employed by the State of California.

MR. WRIGHT: May it please the Court, it certainly seems in fairness to the defendants, before the witness attempts to read from a document which the Government has already indicated the original of which was not going to be introduced in evidence, it certainly seems fair to us that we should have an opportunity to examine that alleged photostatic copy. Whether they are scarce or not is certainly not a matter of concern to us.

THE COURT: Certainly. Hand it over to him and let him look at it. We cannot interrupt the trial, though.

Go ahead, Mr. Flynn.

Q (By Mr. Flynn) Now, Mr. Crouch, this program that you have just referred to and read from extensively, I believe

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W/b7

Your Honor asked the question and you said that was still the program of the Communist Party of the United States and had been since then?

A Yes.

Q When you came back from Moscow with this program did you confer with any of the officials of the Communist Party in the United States and report to them what had happened?

A Yes. In June -- first of all, immediately upon my return I reported to the officers of the Communist Party, to William Z. Foster, J. Lovestone, Benjamin Gitlow, Jake Stachel, then I did immediately report to a meeting of the District Bureau in June, Mr. Frankfeld.

MR. BUCHMAN: Do you have the time and place on that?

THE WITNESS: If I could refresh my recollection I would give the exact date. June or July, 1928.

Q (By Mr. Flynn) Where was the meeting?

A In New York City, at 43 East 125th Street, 2nd floor, on the north of the building, the national office of the Young Communists League, and at this meeting with Mr. Frankfeld and myself and other Bureau members present I gave a report on my meetings with Marshal Tukhavesky and the officers of the Red Army, and on the basis of that we formulated a number of national decisions which are shown in documentary evidence available.

W/b8

MR. WRIGHT: Now, may it please the Court, I would like to object to this testimony in so far as --

THE COURT: The objection is overruled.

MR. WRIGHT: Will Your Honor permit me to state my grounds? I merely wanted to say in so far as the defendant Wood is concerned, he was not present at any of these alleged conversations to which the witness has testified.

THE COURT: Well, unless and until it is followed up by some other evidence, go ahead, Mr. Flynn.

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3:40

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Q (By Mr. Flynn): You made reference to some documentary evidence. What documentary evidence are you referring to?

A I am referring to the minutes of the National Bureau of Young Communists League, of which Mr. Frankfeld and I were members, which minutes were seized in a raid on the party headquarters in Los Angeles, California, about 1929 or 1930, and were introduced in the Congressional Fish Committee hearings in Congress and are now a part of the record of Congress.

Q Well now, before you go into that, would you, so I can keep myself straight, I want to ask you or show you this, please. It is a program of the Young Communists International. Can you identify that book?

A Yes, I can.

MR. FLYNN: May it please the Court, we have the same problem now that we had with the other book. This book has been gotten out of the files of the Supreme Court and loaned to us, to be used and sent back to the Circuit Court of Appeals with the record. We have had photostatic copies made of this book, which I am sure Mr. Crouch can identify as being the same copy and I would like to introduce this into evidence or at least have it substituted for the original.

THE COURT: Well, subject to any objection and

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after inspection by counsel for the defendants, you may have that privilege.

MR. BUCHMAN: I renew my objection to the document both on the ground of remoteness and on the other grounds stated before.

THE COURT: Proceed, Mr. Flynn. Do you have any other questions of the witness?

MR. BUCHMAN: Again, Your Honor, this is the first time we have seen or heard of this document.

MR. FLYNN: It would not be any trouble to hear about it if you read the record in the Dennis case.

MR. WRIGHT: I think that is very improper and prejudicial.

MR. BUCHMAN: I move that the remark be stricken.

THE COURT: I didn't hear it but strike it out.

MR. BUCHMAN: Our problem is, we have to prepare against this material. We were supposed to be furnished with a list of exhibits under Your Honor's rulings.

THE COURT: I will give you plenty of opportunity to examine it and make any investigation you want to avoid anything like surprise by seeing it at this time. Any other questions, Mr. Flynn?

(By Mr. Flynn): While these gentlemen are looking at that, will you look at this photostat, please, and tell us just what it is and what you know about it? Do you know

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anything about it?

A This is a dogma drawn up in printed form of the Executive Committee of the Young Communists International which I attended and participated in as one of the two American representatives, Sam Darcy being the other, during February, 1928, and which was adopted officially by the Fifth World Congress of the Young Communists International in Moscow and officially approved by the Executive Committee of the Communists International about in the spring of 1929 and thereafter published in the United States in book form, in its present form, in the summer of 1929.

Q Would you look at pages 44 to 46, please?

MR. BUCHMAN: Is our examination to be limited now while the examination of the witness is going on, or the examination of the document? It is the first time I have seen it.

THE COURT: What is the question?

MR. FLYNN: I want to ask, may it please the Court, whether he wouldn't read from the photostatic copy while they are looking at the original.

THE COURT: Let him read from the original as they are following the photostat. What does the thing purport to be anyhow, Mr. Flynn?

MR. FLYNN: This is a Program of the Young

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Communists International.

MR. BUCHMAN: What year is that?

MR. FLYNN: It was printed in England. It does not show what date. Can you identify it, Mr. Crouch?

A It was printed in the early summer of 1929. It was printed for Great Britain and the United States and distributed by the Young Communists League and the Communist Party throughout the United States.

Q How many pages are in it? Mr. Bassett would like to know.

A 85.

Q Will you look at page 44 and read from the beginning, right at the top paragraph?

A (Reading): "The Communists are deadly enemies of imperialist war and fight with the greatest determination against the imperialist war danger and the imperialist wars themselves. But they give their utmost support to national revolutionary uprisings and to the wars of the oppressed peoples, especially in the colonies and semi-colonies, against imperialism. They organize and lead the revolutionary war of the working class against the capitalist counter-revolution, and of the Socialist Soviet Republics against the imperialist Powers, who are constantly plotting attacks on the Soviet Republics with the aim of destroying them. The Communists

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publicly declare that, in order to overthrow the capitalist system and establish the proletarian dictatorship, the armed uprising of the proletariat is necessary. Only by the victory of proletarian arms, by the formation of a Red Army and the armed defence of the achievements of the revolution against all attempts of the bourgeoisie, will the proletariat gradually be able to lead mankind towards a classless society in which the use of arms will be a thing forgotten.

"If for the protection of the proletarian dictatorship - a transitional stage towards a classless Communist society, a society without ward - the workers must be armed and organised in a Red Army, this army is, according to its role and class-consciousness entirely different from any bourgeois army. The Red Army is the armed working class which, together with the toiling peasantry, defends the domination of its own class, the dictatorship of the proletariat and the peaceful construction of socialism. Only toilers have the honour and right to serve in it. Its commanders come from the same class as the soldiers; voluntary comradesly discipline reigns in its ranks, and it is itself one of the most powerful means for the education and cultural development of the toiling masses.

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"The Y.C.L. consider the struggle against imperialist war one of the chief aims of its existence. The Communists exert all forces to prevent imperialist wars from breaking out, by mobilising the masses for mass action against war and by work inside the armies themselves. In the event of the proletariat lacking the necessary strength to prevent or delay the imperialist war breaking out, Communists work with the utmost energy for the transformation of the imperialist war into a civil war in order to overthrow imperialism by means of a victorious proletarian revolution.

"In the struggle against imperialist war by means of the mass action of the working class, Communists propagate also mass strikes and a general strike. However, the transformation of the general strike slogan from a propaganda slogan into an immediate slogan of action depends upon circumstances, since the Communists clearly recognise that a general strike for the prevention of war immediately raises the question of power and of an armed clash with the imperialist State apparatus. Therefore, the Communists reject the hypocritical phrases of the 'left' social-democrats, who, without preparation in the army and amongst the masses, without a day-to-day fight against



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the danger of imperialist wars, without being in any way prepared to raise the question of power, declare that they will 'answer' the outbreak of war with a general strike. By these means the 'left' social-democrats restrain the working class from any serious struggle against imperialist war, and lull it into security, when will and readiness to fight is imperative, and thus give most effectively support to the bourgeois in their preparations for new imperialist wars."

Q Mr. Crouch, right there, could you tell us what is meant by imperialist wars?

MR. BUCHMAN: I object to the question, Your Honor.

THE COURT: I think everybody knows precisely what that is, but the definition depends on whether you live in America or perhaps in some other country.

MR. BUCHMAN: And it depends on whose definition.

THE COURT: What is your definition of imperialist war? Would you like to give it?

MR. BUCHMAN: I won't give one but we will offer one.

THE COURT: If you have, I will overrule the objection to this question.

Q (By Mr. Flynn): What is an imperialist war? What is understood in the Communist circles?

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A It is understood in the Communist circles any war in which the United States is engaged, unless it is acting on the side of the Soviet Union. An imperialist war is a war of an imperialist power against another imperialist power or of an imperialist power against the Soviet Union or a Communist country. In other words, a war that is conducted by what the Communists call the Imperialist Powers, which means first of all the United States, is a imperialist war.

Q Will you go on and continue, please.

MR. BASSETT: I object to that as vague and undefined.

THE COURT: I should have sustained the objection if Mr. Buchman had not stated he would offer evidence as to what constitutes imperialist war.

MR. BUCHMAN: I was referring to the defendants' understanding, which is quite a different story from an expert witness.

THE COURT: I could be wrong in the matter. I would have sustained the objection. It was quite unnecessary because I think everybody on the jury understands what an imperialist war is. Therefore, I would think it unnecessary to have anybody define it to us, but since you said you would have evidence on it, it would be very appropriate for the Government to show evidence on the point. Proceed.

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THE WITNESS (reading): "The Communists decisively repudiate the slogan of "The defence of the Fatherland" - when this is used in respect of the capitalist State - as signifying an endorsement of imperialist war. On the contrary, it is in the interest of the working class of every country which is waging an imperialist war, to stand for the defeat of its own bourgeoisie, in order the more rapidly to overthrow it and thus be able to end the imperialist war. The Communists therefore propagate revolutionary defeatism in imperialist wars. The Communists agitate for the fraternisation of the soldiers of the imperialist armies which are arrayed against each other.

"The Communists, however, decisively declare themselves for the defence of a revolutionary socialist fatherland against imperialism. The Union of Socialist Soviet Republics is the socialist fatherland of the toilers of the whole world. The Communists likewise recognise the revolutionary right and duty of national defence against imperialism for the rebellious oppressed peoples of the colonies and semi-colonies. In a struggle between the imperialist Powers and the Socialist Soviet Republics, or a war against a national revolutionary movement of the oppressed peoples, the working class must fight for the victory of the revolutionary side, and work not

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only for the fraternisation but for the going over of the troops of the imperialist Powers to the side of the revolution.

"The Communists reject the anarcho-syndicalist slogan of individual refusal to serve, or the "military strike." They do this in the spirit of the teaching of Lenin, who had the proletarian mother speak to her son in the following manner:

'You will soon be grown up. They will give you a gun. Take it and learn how to use it. This knowledge is necessary for the proletariat; not in order to shot down their brothers, the workers of other countries, but in order to fight against the bourgeoisie of their own country, in order to put an end to exploitation, poverty and wars, not by means of pious wishes, but by victory over the bourgeoisie and by disarming it'

"Similarly, 'Boycott of the war is a stupid phrase." (Lenin.) The effect of individual refusal to serve is to free the army from precisely the revolutionary elements of the working class, and thereby to prevent the influencing of the masses of toilers in the army by means of revolutionary explanatory work and organisation.

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"In its struggle against the imperialist system the proletariat strives to enlighten the proletarian and semi-proletarian elements of the bourgeois army, and to draw it over to its side; to divert the soldiers' rifles from against the working class and to turn them against the ruling class. Work in the army plays a particularly important role, since only by the 'creation of a secret organisation of revolutionists in the army'(Lenin), i.e. in the first place of Communist nuclei, together with the mass action of the working class, can imperialist war be combatted and the premises be created for the victory of the proletarian revolution."

THE COURT: Does everybody know what that book refers to when it says, "The proletariat against the bourgeoisie"?

MR. FLYNN: I rather don't think so, and I would want Mr. Crouch to define what is a proletarian and what is a bourgeoisie.

A As used by the Communists, the proletariat means the working class. The bourgeoisie means the capitalist class and the American Government, which is described by the Communists as a capitalist government.

THE COURT: Do you have to be a capitalist to be a member of the bourgeoisie class of people?

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MR. FLYNN: I didn't think so myself. Can you answer that. Do you have to be a capitalist to belong to it?

A As used by the Communist, the bourgeois class includes its supporters, just as he believes in what is generally known in every-day language as a system of free enterprise; every one who, for example, is a government official or who are spokesmen against Communism are generally referred to as bourgeoisie or supporters of the bourgeoisie. The Communists associate what we call the capitalist system and the supporters of capitalism as enemies and must be defeated.

THE COURT: How about lawyers? Are they in the bourgeoisie class?

A It depends on what they support. The prosperous attorneys in general are described as bourgeoisie unless they happen to be Communists, in which case they would hardly apply that epithet to them since it is considered an uncomplimentary one.

THE COURT: Very well.

MR. BUCHMAN: As to all the witness' testimony and conclusions and opinions, I renew my objection.

THE COURT: Very well. Overruled.

(By Mr. Flynn): Will you, Mr. Crouch, read just the foreword, the first paragraph of the foreword.

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A (Reading) "The programme of the Young Communist International, now published after its approval by the Presidium of the Executive Committee of the Communist International, is the most important document of the international proletarian youth movement. It has generalised, compiled, and harmoniously arranged, all that has been created in the theory of the proletarian youth movement in the course of decades of struggle and effort. The theory of our youth movement is laid down in the Programme of the Young Communist International from the viewpoint of the epoch of world revolution. The many years of struggle by the vanguard of the proletarian youth, has been given a sound foundation, and the struggle of the toiling youth for their demands have been linked up with the general struggle of the Communist International for the world revolution. In this sense the Programme of the Young Communist International is the programme of the revolutionary youth in the struggle for the proletarian dictatorship throughout the world."

Q Would you read just the small last paragraph on page 14.

A (Reading): "It is the duty of every Young Communist to study and assimilate the Programme of the Y.C.I. and learn to wield this sharp and splendid

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weapon in his Communist activity among the masses of young workers. Executive Committee of the Young Communist International, Moscow, May, 1929."

MR. FLYNN: May it please the Court, I would like to offer this in evidence and ask permission to substitute the photostat which is being examined here.

MR. BUCHMAN: I object to its admission. It is so remote that it has no probative value and no relation to the issues of this case.

THE COURT: That would be so were it not for the outline of what the Government proposes to prove.

MR. BUCHMAN: That outline referred to the 44-45 period. This is 1929.

THE COURT: I understand so, but if the Government follows it and supplies the evidence which it has outlined, I think it makes all of this testimony as to what happened in 1929 from this witness properly relevant in the case. If the Government does not follow that up, of course, very probably the evidence will be stricken out.

Q (By Mr. Flynn): May I ask one question. Mr. Crouch, can you say whether or not this Programme of the Young Communist International is the programme which is now in effect in the United States?

A It is being applied every day in the United States by the Communists.



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MR. WRIGHT: I object. He is not qualified to answer that.

MR. BUCHMAN: We object.

THE COURT: Overruled.

MR. FLYNN: I offer it and we will offer and substitute the photostat.

(Book entitled "Programme of the Young Communist International marked Government Exhibit 2.)

X X

THE COURT: Have you much more ground to cover by this witness?

MR. FLYNN: Yes, considerably more. I think we could have a break here.

THE COURT: Nobody asks whether he is still a Communist.

Q (By Mr. Flynn) I will ask him that. Are you still a Communist?

A I am not.

MR. FLYNN: Tomorrow I will ask you why.

THE COURT: We will adjourn until tomorrow morning at 10 o'clock.

Members of the jury, please bear in mind my suggestion to you yesterday. It is very important that you should not talk about this case outside of court to anybody or answer any questions that might be asked you

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about it or express any opinion about it whatever, and bear in mind, as counsel have asked you, keep an open mind about the case until you have heard all the evidence and until you have heard the summary of argument by counsel and the charge of the Court with respect to what is the law that you should accept and apply to the case and try to keep an open mind and reserve judgment until you have heard the case all through.

MR. BRAVERMAN: Would Your Honor hear me as to procedure tomorrow? Yesterday, as I understand, this photostat was handed to us as possible documentary evidence, produced today and there is other documentary evidence and I wonder if at the close of each day, Mr. Flynn would give us a written statement or make an oral statement to the court as to the intention, bearing in mind the restriction on time, as to what he thinks he will put in by way of documentary evidence the next day.

THE COURT: If Mr. Flynn can do so and will have time to do it -

MR. FLYNN: If at all possible. We have been trying to comply with all the requests of the defendants as to lists. We will do it if possible.

(Thereupon, at 4:05 P. M., an adjournment was taken until tomorrow morning at 10:00 o'clock A. M.)

I certify that the foregoing is a true and  
correct transcript of the proceedings in the above case.

Marion J. Owen

Leroy Walker

Cleaves G. Coney

**Official Reporters.**